

Mondi Mediterranei

Discourses on Urban Order

Edited by
Francesco Panarelli, Rosa Smurra



Mondi Mediterranei

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FRANCESCO PANARELLI, ROSA SMURRA

Introduction

This collection of eleven studies on *Discourses on the Peculiarities of Urban Order* concludes the four-year programme on *Urban Order* initiated in 2021 by the International Commission for the History of Towns (ICHT)¹. It contains contributions by scholars from various European countries, from the Middle Ages to the contemporary age as well as covering a broad geographical area stretching from southern Italy to Norway.

The various aspects of the broad theme of *Urban Order* are dealt with by concentrating on four sub-topics adopted by the ICHT: *Protagonists of Urban Order* (2021), *Crisis in Urban Order* (2022), *Mediating Urban Order* (2023) and *Discourses on the Peculiarities of Urban Order* (2024).

The first sub-topic, *Protagonists of Urban Order*, deals with the individuals, groups, and authorities who drafted the norms for urban living, focusing on the key players in maintaining city order from the Middle Ages to the modern era². *Crisis in Urban Order* encompasses a range of crises and their spatial, cultural and material impact and manifestations on the towns and cities of Europe. It is well known that the medieval, early modern, and modern eras were marked by recurring crises, often triggered by natural disasters (such as infectious diseases and environmental change), war, religious and political strife, and population movements. The third sub-topic highlights the sources that convey perceptions of the urban order, including written sources, images, maps, seals, rituals, urban planning and the media. The four topics are intended to move beyond a narrow focus on the established structures of order. They aim to embrace a long-

¹ <https://www.historiaurbium.org/>

² *Protagonists of Urban Order from the Middle Ages to the Present: Actions, Ideas, Concepts*, cur. Latin Benyovsky I., Stercken M., Andrić T., Amsterdam, 2025.

term, comparative lens to investigate the dynamic processes of the formation of urban governance and to explore the diverse conceptualisations and enactments of urban order.

This volume investigates the various discourses of urban order and their tangible effects on a city's space, culture, and material environment. It opens with a study by Francesco Panarelli and Francesca Sogliani highlighting the fact that Matera, a highly distinctive Italian town with medieval origins, has limited early written records, with substantial information only appearing from the 13th century onward. Reconstructing its early urban design requires inductive reasoning, drawing from the decisions of both the urban community, then known as the *universitas*, and the local aristocracy (Panarelli). Although early medieval written records of Matera's urban form are scarce, archaeological findings help fill the gap. These discoveries confirm the city's post-Roman origins, showing it did not develop from a typical Roman orthogonal grid. Early 20th-century archaeological surveys in the Civita district, bringing to light Byzantine coins and churches/monasteries with Eastern influences, have spurred new research, combining old and new data with the limited historical documents to reinterpret Matera's medieval urban layout (Sogliani).

Based on written records, archaeological findings, and spatial analysis, Irena Benyovsky Latin traces the planning stages of the suburbs of Dubrovnik (Ragusa) from the early 13th century. The author focuses on the discourses of urban order promoted by both local and Venetian authorities. This dynamic urban planning, adapting to population, terrain, defence needs, and land use, led to significant residential mobility and a shift in the centre-periphery relationship. By the early 14th century, this ongoing development culminated in the unification of the suburbs with the old town.

Rosa Smurra analyses the discourses on urban order and its connection to the medieval university (*Studium*) of Bologna. Starting with Frederick Barbarossa's imperial *Constitutio* (1155) and continuing through various normative texts up to the last municipal statutes of Bologna (1454), the article focuses on the 'language of the law' as found in civic statutes that are examined as an instrument of order and an expression of municipal autonomy vis-à-vis external authorities, such as the imperial power. This is a key element in understanding the relationship between urban development and the University.

The complex dynamics between urban autonomy, political order and the influence of external powers are analysed in the chapter by Roman Czaja who examines the progressive restriction of city autonomy and the related discussions on urban political order in the state of the Teutonic Order, in particular Altstadt Königsberg and Kneiphof Königsberg, between the end of the Middle Ages and the beginning of the modern age. Various types of discourse are analysed, including normative acts and petitions, together with a focus on the main actors of these discourses.

The Bohemian case studied by Jana Vojtíšková highlights an attempt to stabilise order through legislative unification in the face of periods of crisis and fragmentation. The author examines the circumstances of the creation and reception of the Town Law of the Kingdom of Bohemia (1579); the chapter also pays special attention to the situation of royal towns before the adoption of the code, when the lack of a uniform standard made communication and functioning between towns difficult.

The case of Kamianets-Podilskyi (present-day Ukraine), studied by Olga Kozubska, illustrates an Ottoman post-occupation situation (1699) in which the magistrate faces the challenge of restoring order and consolidating authority in a context of profound religious and jurisdictional heterogeneity. In this case, order is not imposed by a unified code but renegotiated daily between different communities among external pressures and internal tensions. It can be seen as an example of how order is a dynamic and complex process, influenced by local cultural, religious and political factors.

Remigijus Civinskis analyses the adaptation and resistance strategies of Lithuanian urban elites (merchants, citizens and Jewish communities) in the face of Russian imperial reforms in the early 19th century. This study focuses on the cities of the Vilnius governorate, examining the discourses and actions of the elites. The results demonstrate that the Lithuanian elites made use of appeals, petitions and legal challenges in an attempt to defend their autonomy, social status and traditional privileges, all of which were under threat from the Russian reforms.

The chapter by Miriam Tveit and Steinar Aas examines the peculiarities of Norwegian urban historiography in relation to the concept of urban order. In Norway, urban history has primarily been studied by generalist historians concentrating on the institutions and individuals that promote order rather than the

social processes and dynamics that create or challenge it within urban spaces. This tendency has resulted in a lack of engagement with broader theoretical debates, methodological developments, and international networks within the field of urban history. Consequently, approaches to urban order have often been superficial. The study aims to address the peculiarities of Norwegian urban historiography and the meta-debates among historians concerning urban order.

Jilles Genot analyses the minutes of the Municipal Council of the city of Luxembourg (1862-1984), at the crossroads of French and German influences, which was later characterised by mass immigration, aiming to understand how the local administration dealt with language challenges in crucial areas such as education, public communication and social integration. The results show that multilingualism did not destabilise the city but was managed as a normal aspect of civic life through compromise, institutional flexibility and evolving policies.

One more example of how cities can be seen as laboratories of innovation and adaptation in the face of major challenges is the case studied by Mariavaleria Mininni. After World War Two, Matera, once dubbed a 'national disgrace,' transformed into an urban laboratory where innovative theories of regional planning were discussed and applied. Politicians, urban planners, and specialists from various fields collaborated to reshape the city, drawing the attention of international writers and photographers. Today, the history of Matera serves as a significant point of reflection on contemporary urban transformations and the value of how we inhabit our cities.

In her valuable conclusions, Martina Stercken highlights the fact that cities and towns have been places for reflection and communication on order and governance, developing the means to remember its specific developments. Arguably, the eleven papers in this volume will offer a significant contribution for understanding the complex and dynamic nature of *Discourses on the Peculiarities of Urban Order* encompassing royal privileges, city planning, governance, social structures, economic organization, and the legal frameworks shaping daily life in medieval, modern and contemporary European towns. This volume aims to provide a stimulus for the future development of this yet-to-be-explored field, in order to facilitate a wide and multi-perspective debate on the relationships and contexts relating to urban order.

FRANCESCO PANARELLI,
FRANCESCA SOGLIANI

The medieval origins of the city of Matera

Abstract: The urban centre of Matera, along with its surroundings, is an extraordinary example of settlement stratifications. These settlements trace their origins to antiquity and are a consequence of the unique morphology of the area. This paper analyses the city's role as an urban centre based on the most recent historical and archaeological research, which has attributed the town's origin to the early medieval period.

Keywords: Matera; medieval archaeology; urban settlement; middle age.

The city of Matera represents an exceptional case among the Italian and European towns due to its particular urban configuration. A significant part of the settlement in medieval and modern times was in fact created in caves, partly natural and partly artificial. It is precisely these cave dwellings and service areas that give the city its highly original appearance, which also recalls other cave centres such as those in Cappadocia. While cave settlements are not exceptional in the areas along the Adriatic coast south of Bari and the Ionian coast west of Taranto, in Matera, the particular concentration of settlement in caves along with their lengthy use, is notable. This contribution provides an account of the origins and urban configuration of the city. In particular, Francesco Panarelli will draw from documentary sources, while Francesca Sogliani will focus mainly on material and archaeological data.

1. *Matera in the archaeological documentation* (Francesca Sogliani)

Introduction

In the last four decades of Italian urban archaeology¹, new investigations have begun to reconsider the dynamics of growth/development/fall of towns in southern Italy. Regarding the region of ancient Lucania (now Basilicata), the research focus of the Chair of Medieval Archaeology at the University of Basilicata, which I hold, has highlighted that the area was characterized by a low number of urban settlements in the ancient Greek and Roman periods. Subsequently, through archaeological investigations and documentary sources we can detect a topographical transformation during late antiquity until the middle ages.

The town of Matera, one of the most famous rupestrian settlements in the Mediterranean basin and recorded in the UNESCO World Heritage List in 1993 and European Capital of Culture in 2019, is unique in its situation. This paper is a case study in which the authors apply a multidisciplinary approach to reconstruct the history of this urban settlement, using data from a variety of sources including stratigraphic excavations, archives, written sources, maps and ancient cartography, archaeobotanical and anthropological studies, and geoarchaeology. This data is being used to create an archaeological and historical map, which will serve local institutions and scholars, alongside the public. In addition it will also be part of a virtual museum of the town.

The study case of Matera

The Sassi district is a notable part of the historic town of Matera, as it represents an enduring tradition of rock cave dwelling. The practice of cave dwelling developed over centuries, and showcases the evolution of technical solutions and living practices, as well as human knowledge in transforming the natural

¹ F. Sogliani, D. Roubis, *Strategies and new technologies for urban archaeology: Matera, a town of Unesco World Heritage*, in *In/Visible Towns Archaeology and Cultural Heritage in Urban Areas*, Proceedings of Vienna 15th International Congress *Cultural Heritage and New Technologies* (Vienna, 15-17 2010), Wien 2011, pp. 283-298.

landscape. In addition the site stands as an emblematic example of the urban development process. Beginning with the earliest settlement on the Civita, it grew in the early Middle Ages, with the establishment of churches, monasteries and rock cemeteries. It expanded out towards the plain, with the construction of monasteries by the mendicant orders and the creation of late medieval fortification works².

The ongoing research project of the historical and archaeological Map³ of the town aims to trace the evolution of the town from the first ancient settlement to the development of the urban fabric during the Middle Ages. The research project has multiple aims, these include: the inventory of excavations and archaeological sites in the municipal territory of Matera, through tools that allow their agile management, to aid in the protection of archaeological heritage, the exhaustive study of the archaeological heritage in order to reconstruct and understand the expansion of the landscape and the city up to the present day, and the design and creation of a useful tool for urban planning. This will enable a proactive assessment of modern construction on the archaeological and architectural ancient urban heritage and will help in the planning of structural works and infrastructure projects. As part of the project, all the data concerning the archaeological reconstruction of the town of Matera from antiquity to the late Middle Ages have been integrated into a GIS platform. This will

² C. D. Fonseca - R. Demetrio, G. Guadagno, *Le città nella storia d'Italia. Matera*, Roma-Bari 1999.

³ The Archaeological Map Project (CAM Project) started in 2006, has been included since 2016 in a broader Research Project entitled CHORA - Laboratories of Archaeology in Basilicata, conducted by the School of Specialisation in Archaeological Heritage of the University of Basilicata (resp. F. Sogliani), in partnership with the University of Rome Tor Vergata (resp. M. Fabbri) and the École Pratique des Hautes Études in Paris (resp. S. Verger). Since 2023, a PhD scholarship has been activated at the University of Basilicata dedicated to the following topic: Map of the archaeological potential of Matera. Data digitisation processes on a GIS platform and integrated planning for the valorisation and management of the archaeological heritage. F. Sogliani, *Matera tra tarda antichità e alto medioevo*, in *Paesaggi e insediamenti urbani in Italia meridionale fra tardoantico e altomedioevo*, Atti Secondo Seminario XVIII Réunion de l'Association pour l'Antiquité Tardive (Foggia – Monte S. Angelo 27-28 maggio 2006), cur. G. Volpe, Bari 2010, pp. 175-191.

be used to investigate and display the density of archaeological and monumental evidence through the centuries.

The results

The area occupied by the ancient settlement is located on the hilltop of the Civita (400 m) separating two natural valleys- to the north is the Sasso Barisano and to the south lies the Sasso Caveoso: (Fig. 1). The first archaeological evidence of human settlements in the area dates to the Bronze Age, followed by an Iron Age phase. Permanent inhabited area seems to continue afterwards, despite the scarcity of evidence for the Greek and Roman periods which are arguably the most critical phases for comprehending the settlement's developmental trajectory. The scarcity and lack of contextualization of ceramic and epigraphical evidence along with the absence of a topographical organisation of the Roman era (*forma Urbis*), would appear not to support the ancient origin of the town. Similarly, during late antiquity, the lack of previous urban character of the settlement and the very particular orographic configuration of the site, complicate the understanding of its topographical transformations.

Terms such as “multilayered urban site,” “orthogonal plan,” “public spaces and residential areas,” are often keywords used to describe urban transformation in cities with classical origins. We suggest that this should be reconsidered, given the very few written records from the late ancient and early medieval ages, as well as the rare archaeological interventions. In light of this lack of evidence, we must take into account the very important recent studies of Bruna Gargiulo concerning the numismatic evidence⁴. The area of Matera contains important numismatic evidence, namely 16 coins dating between the late 5th and 7th centuries which were issued in Constantinople. This reveals the centre's participation in the Byzantine sphere of influence, like the neighbouring Salentine territories of Apulia. In addition, the presence of 6 gold coins, including a *solidus* of Zeno (476-491),

⁴ I am grateful to Bruna Gargiulo for the information on numismatic data, which she collected and processed as part of her research on late antique and medieval coinage in Basilicata, carried out for the CHORA Project - Laboratories of Archaeology in Basilicata (see above).

a *solidus* of Justinian (527-538), a *tremisse* of Justinian (527-538), a *solidus* of Tiberius Constantius (578-582), a *solidus* of Phocas (602-610) and a *solidus* of Heraclius (610-640) seems to suggest an administrative and fiscal role of the centre, where tributes in precious metal were collected to enable the payment of troops stationed along the border. The role of Matera as a Byzantine stronghold is also confirmed during the reconquest of Constant II, who landed in Taranto in 663 to fight against the Lombards and passed through Matera before continuing to ports in Apulia such as Siponto. The *folles* of Constant II in association with his son Constantine IV makes clear the connection of Matera with the areas of byzantine interest through the southern territories of Apulia, with which it shared a common monetary zone as early as the 7th century.

Therefore Matera, in the first Byzantine era, was embedded in a network connected with the *via Appia*, which in the early Middle Ages facilitated communication with the region of Apulia. The “Itinerary of Guidone” (beginning of the 12th century), derived from the “Cosmographia of Anonimo Ravennate” (7th century), notes Matera as part of a journey that from Oria ended in *Grumentum*, passing through Taranto, Mottola, Castellaneta, Montescaglioso, Gravina, Banzi, Acerenza and Muro⁵.

There is little information relating to the proto-Byzantine phase, which is composed of some fragments of late antique pottery (TSA) in the Civita, but no buildings or public structures have been found. Subsequently Matera’s later urban development was due precisely to its incorporation into the Byzantine sphere during the conflicts between the Lombards and Byzantines in the second phase of the conquest.

By the middle of the 8th c. Matera belonged to the Lombard Duchy of Benevento and, after the *Divisio Ducatus* (849 and 860), to the Principality of Salerno, as part of the *gastaldato* of Acerenza. The town gradually moved towards stronger Byzantine political control in the last decades of the 9th century. From this period onwards we can recognize the character of an urban centre with institutional and administrative prerogatives, as part of the dynamics of the policy of reconquest of southern

⁵ P. Dalena, *Quadri ambientali, viabilità e popolamento*, in *Storia della Basilicata*. 2. *Il Medioevo*, cur. C. D. Fonseca, Bari 2006, pp. 5-48.



Fig. 1. A view of the Civita from the ravine

Italy by the Byzantine Emperor Basil the Macedonian (867-886). The increased weight of imperial power is also manifested in the religious sphere. In 968, Matera, together with Tricarico, Tursi, Acerenza and Gravina, was designated as a suffragan see of the newly established metropolitic seat of Otranto, at the behest of Polieucto, Patriarch of Constantinople. While it was never actually subject to Otranto, this undoubtedly reflects the interest of imperial policy. In the mid-9th century, the town hosted a governor, an imperial “protospatario”⁶ as well as imperial officers and military garrisons. These roles reflect the well-defined administrative and military functions of the site, to which likely corresponded physical places and buildings, capable of performing functions associated with civil power. Unfortunately, the evidence of such buildings has been erased by the medieval town and combined with the lack of archaeological excavations we do not have much information in this regard.

The discovery of a large quantity of Byzantine coins near the cathedral, 320 pieces dated continuously between 829 and the 11th century, with a notable quantity (228 coins) being of

⁶ R. Demetrio, *Matera forma et imago urbis*, Matera 2009.

the type of Constantine the 7th with his mother Zoe (913-919), strongly suggests that the area may have corresponded to a site of primary importance for the institutional presence and assertion of Byzantine authority within the urban fabric⁷.

The Byzantines ultimately assumed responsibility for Matera's administrative, fiscal, and military functions while also integrating local groups including the Lombards. This increased the urban and strategic role of the centre of Matera, which continued in the later conflict between Byzantium and the new Norman power.

The demographics of early medieval Matera, in the absence of archaeological data on housing structures most likely rupestrian and therefore difficult to date, is primarily known from the funerary contexts. The cemeteries, some of which have been studied by archaeological investigation, are spread across wide areas of the town (Piazza S. Francesco, S. Lucia alle Malve, Madonna de Idris, S. Nicola dei Greci, S. Maria de Armenis, S. Barbara), around the rupestrian churches and monasteries arising both in the upper part of Matera - the Civita - and on the slopes, which became a focal point for population gathering (Fig. 2). They show striking similarities to the rock-cut graves, with anthropoid or rectangular shape, and there is an absence of funerary goods, except in a few cases where elements of clothing, such as buckles have been recovered. The chronology of some of these cemeteries has been dated to the 8th-9th centuries, based on radiocarbon dating (C14) carried out on anthropological remains⁸.

⁷ B. Gargiulo, *Su due Histamena di Basilio II e Costantino VIII conservati presso il Museo Archeologico "D. Ridola di Matera*, in *The Many Sides of a Coin. Money and Materiality in the Medieval and Early Modern Worlds. Essays in Honour of Lucia Travaini*, cur. M. Baldassarri - S. Locatelli - B. Cook, 2024 cds.; B. Gargiulo, *Presenza e assenza di Tarì nella regione Basilicata: analisi distributiva attraverso il GIS dei rinvenimenti monetali*. in *Il Tarì Moneta del Mediterraneo*, Atti del Convegno Internazionale di Studi (Amalfi 20-21 maggio 2022), cur. A. M. Santoro, L. Travaini, Amalfi 2023, pp. 201-221.

⁸ S. Borgognini Tarli - P. Giusti, *Le necropoli altomedievali di Matera e l'età barbarica in Italia: sintesi antropologica*, in *Matera. Piazza San Francesco d'Assisi. Origine ed evoluzione di uno spazio urbano*, cur. L. Rota et al., Matera 1986, pp. 241-259; B. Bruno, *Archeologia medievale nei Sassi di Matera*, in *Scavi medievali in Italia 1996-1999*, Atti della Seconda Conferenza Italiana di Archeologia Medievale, cur. S. Patitucci Uggeri, Roma 2001, pp. 137-148.



Fig. 2. The cemetery of S. Lucia alle Malve

Further evidence of the urban settlement is represented by the considerable number of rock-hewn churches distributed both in the Civita area and in neighbouring areas, which have recently been catalogued as part of the project dedicated to the Digital Atlas of Matera's rupestrian Heritage⁹ (rupestrian church of Canarino, of Vitisciulo, Madonna della Croce, S. Falcione, S. Giovanni in Monterrone, S. Luca alla Selva, S. Nicola al Saraceno, S. Nicola dei Greci, S. Nicola sulla Via Appia, S. Vito alla Murgia, S. Barbara, S. Lucia al Bradano, S. Lucia alle Malve, S. Stasio, Crypt della Scaletta, Crypt di Pandona, rupestrian monastery of Cappuccino Vecchio, rupestrian monastery of S. Nicola all'Annunziata, S. Maria de Idris, S. Maria de' Armenis, monastery of S. Maria della Vaglia, monastic church of S. Eustachio, SS. Pietro e Paolo, church and monastery of Madonna delle Virtù). The analysis of the distribution of rupestrian religious structures, often associated with funerary areas, provides a reconstruction of

⁹ F. Sogliani, *Progetto Darhem - Digital Atlas of Rupestrian Heritage of Matera. La forma dell'acqua nei contesti rupestri*, in *Il rupestre e l'acqua, nel Medioevo: religiosità, quotidianità, produttività*. II Convegno nazionale di Studi (Italia centrale, meridionale e insulare) (Soriano nel Cimino, 18-19 ottobre 2019), cur. E. De Minicis, G. Pastura, Firenze 2020, pp. 113-122.

the urban and peri-urban topography between the early Middle Ages and the Middle Ages. This reconstruction is also supported by data derived from written sources¹⁰, which unfortunately still cannot be reconciled with archaeological data.

Fortifications and urban walls represent another aspect of the urban fabric. The analysis of the fortification surrounding the hilltop of the Civita, along with the towers and gates, is one of the outputs of our research, together with the study of building techniques. Unfortunately we have no archaeological data that provides information on the initial construction of the walls in the early Middle Ages. Written sources mentioned the construction of a first fortification in the second half of the 10th c. (*Chronicon Casinense* and Erchemperto, year 967: “*munitissima civitas*”)¹¹, which could quite easily correspond to the strategic role of Matera in the conflict between Byzantines, Lombards and Arabs for the supremacy of this territory (Fig. 3). More certain is the presence of an urban castle between the 11th and 12th centuries, as attested by written sources and some material evidence. Topographically, the building must have occupied an area inside the walls, close to the Civita, where still survives the place name Castelvechio and must have been connected to two gates, Porta di Suso and Porta di Juso. The fortification of the town developed from the 14th and 15th c. in the plain around the Civita, but the castle founded by the Norman power, was demolished after 1448. At the end of 15th c., a new castle was built on the hilltop beside the ancient town, as a sign of the new feudal power.

In 2007 an archaeological excavation was opened in a central area of Matera, in front of the church of St. John the Baptist, formerly known as S. Maria la Nova “ai foggiali” (silos for grain storage), founded in the 12th century. The goal of the excavation was to carry out stratigraphic and archaeological investigation in the built-up area, and it proved to be of great interest for the topographical reconstruction of a marginal area of the city of Matera between the 12th and 14th centuries. In addition, the discovery of an extensive cemetery area in front of the side entrance to the building, with several phases dated from the 13th to 18th

¹⁰ M. Pelosi - G. Lionetti, *Riflessi storici e toponomastici di Matera. La Santa Visita di Mos. Fabrizio Antinori e altre fonti inedite dal Medioevo ai giorni nostri*, Matera 2021.

¹¹ C. Di Lena, *Le fortificazioni materane*, Matera 2020.



Fig. 3. Town's medieval walls and the so called 'Metellana' circular tower

c., has provided new data on the funerary use of urban spaces in the Middle and Late Middle Ages. Similarly, the discovery of a quarry for the extraction of material for the construction of the church, obliterated by the cemetery itself, has clarified its age, along with the construction methods for the building of the religious building. The intervention, realized during public works for the refurbishment of the square paving, enabled us to put another mark on the map and to clarify the role of this side of the town, outside of the medieval walls, which served both religious and funerary functions, as well as grain storage and welfare services for the benefit of the civic community¹².

At the end, we are aiming to achieve the complete integration of the basic archaeological research, scientifically validated

¹² F. Sogliani - I. Marchetta, *Un contesto medievale di archeologia urbana: le indagini nell'area della chiesa di San Giovanni Battista a Matera*, in *Da Accon a Matera. Le monache di S. Maria la Nova (XIII-XVI secolo)*, cur. F. Panarelli, (Vita regularis - Ordnungen und Deutungen religiösen Lebens im Mittelalter. Abhandlungen Bd. 50) Münster 2012, p. 304; F. Sogliani, *Archeologia urbana a Matera. Dall'indagine stratigrafica alla condivisione dei dati: lo scavo di S. Giovanni Battista - S. Maria La Nova*, in *Mappa - Data Book 1*, cur. F. Anichini, G. Gattiglia, M. L. Gualandi, Roma 2015, pp. 1-16.

excavations, and the mapping of this data in GIS. The next steps of the research will involve creating a web-gis, which could also be used to visualise other important information and layers, such as the watershed system of the town, the water supply system (private and public cisterns), the food supply system, the historical cadastral maps and other thematic layers. All the information collected in the historical and archaeological map of Matera will allow for the dissemination of cultural data, and will be used to enhance the visualisation, management and appreciation of cultural heritage in this unique rupestrian urban area, using a multidisciplinary approach and new ITC tools.

In conclusion, the research on the archaeological evidence which can be used to understand the urban fabric of Matera, provides another means to investigate the evolution of late antique and early medieval urbanism. Reflecting on the mechanisms of transformation/destruction/reconfiguration of urban contexts between late antiquity and the early Middle Ages, could lead to more conclusive interpretations, highlighting both similarities and divergences from the models already validated for other Italian realities. This work must rely on archaeological data, such as stratigraphy, artefacts, and analysis of the built environment, to understand the use and transformation of spaces.

2. Matera in documentary sources (Francesco Panarelli)

Let us begin with a misunderstanding. In recent decades, it has been suggested that Matera is the oldest city in the world ¹³. However, this primacy is completely unfounded. In fact, there are no sources attesting to the existence of a settlement by the name of Matera or any site in present-day Matera in Greek or Roman times. While there are certainly traces of human habitation in the area, there was not a larger aggregation which could be called a city. The site of present-day Matera was suitable for human settlement due to its natural defences, water resources and also the possibility of excavating deposits and dwellings in

¹³ F. Foschino, *Matera città più antica del mondo: marketing o Storia?*, «Mathera. Rivista trimestrale di Storia e Cultura del territorio» anno VII (2023), n. 23 pp. 188-193.

the calcarenite rock. As such the opportunities offered by the geological structure can be seen in the rocky appearance of the city.

With the end of the Western Roman Empire in the 6th century, there was a crisis in much of the urban network inherited from the Roman world in the ancient region of Lucania, which corresponds largely to the present-day region of Basilicata. This decline was counterbalanced by the sudden appearance of a new town, which can be qualified as an early medieval creation: Matera. It must be said at this time, that the sources, both written and material, are very scarce and do little to help the historian in reconstructing the early stages of this city. However, the absence of information is also itself useful information: it confirms that until the 6th - 7th century there was no significant urban agglomeration on the Matera site.

The first record of a settlement named Matera dates back to 774. The news comes from a preceptum of the Lombard prince of Salerno, Arechi II, which has come down to us only thanks to a 12th-century copy; for this reason, too, the text is complex to interpret. It is a list of donations that Prince Arechi made in favour of the monastery of St. Sophia in Benevento, and the place name Matera appears among them: *nec non et ecclesia Sancte Marie que posita est in gaio nostro Matere in Affle, largiti sumus et in monasterio Sancte Sofie vineas et territoria que presbiter ipsius ecclesie sine palatii donatione tenebat, et insuper concessimus in eodem gaio pascuam ad peculia monasterii Sancte Sophie*.¹⁴ As I have tried to explain elsewhere, it is a text that was probably modified by copyists, but there is no reason to doubt that a church probably dedicated to St Angelo (and not St Mary) existed in a place called Matera¹⁵.

In the middle of the 9th century we find Matera mentioned in a narrative source, the *Historiola* of Erchemperto (and others that depend on Erchemperto), which reports that before 867 the city had been occupied by the Saracens, then settled in Bari, and was eventually retaken and almost destroyed by Emperor

¹⁴ *Chronicon Sanctae Sophiae* (cod. Vat. Lat. 4939), ed. J.-M. Martin, voll. 2, Istituto Storico Italiano per il Medio Evo, Roma 2000, pp. 105-107.

¹⁵ F. Panarelli, *S. Sofia di Benevento, Montecassino e Matera. La problematicità della prima attestazione di una città di nome Matera (774)*, in «Mathera. Rivista trimestrale di Storia e Cultura del territorio» anno VII (2023), n. 23, pp. 52-55.

Ludovic II¹⁶. Subsequent chroniclers take up and expand on Erchempert's report, adding that the city was put to the sword (*igne ferroque ad nichilum redacta est*)¹⁷.

One notion is confirmed in the scanty later reports: the city was heavily fortified, i.e. very well defended. It was probably also a recruitment centre for soldiers, who are collectively referred to as *Materienses* and who were often active in conflicts between Lombard princes, especially in the Capua area. Erchempert again lists them together with Greeks, Egyptians and Neapolitans for conflicts that took place in 885¹⁸.

Again from a document that has been copied, we know that in 893 (?) the important monastery of San Vincenzo al Volturno, located at the source of the Volturno river in Molise, possessed two churches in the city of Matera and two others in the surrounding area¹⁹. The document is interesting because it confirms the primarily Longobard identity of the city's ruling classes, albeit within a Byzantine institutional and power framework: the actors in the document have Longobard onomastics (Godino, Radelchi) and hold posts in the Byzantine administration. And this is not surprising, since Matera was under Byzantine control at the time.

The first significant information on the development of an urban profile dates back to 967-8, when the Byzantine patriarch Polieuto attempted a reform of diocesan districts in the Catapanate area of Italy, assigning new suffraganies to the archbishop of Otranto. The list of diocesan sees subject to the archbishop of Otranto includes Acerenza, Tursi, Gravina, Tricarico and also Matera²⁰. Following the recognition of the city's military role, there

¹⁶ Erchemperto, *Historia Langobardorum Beneventanorum*, ed. G. Waitz, in MGH., *Scriptores rerum Langobardicarum et Italicarum*, I, Hannoverae 1878.

¹⁷ *Chr. S. Ben. Cas.*, cap. 4, p. 471; text later reproduced in *Chronica Mon. Casinensis*, a cura di H. Hoffmann, MGH, *Scriptores*, XXXIV, 1980, p. 100.

¹⁸ "Grecis Materensibus, Aegiptiis et Neapolitanibus" mentioned in Erchemperto, *Historia*.

¹⁹ *Chronicon Vulturense del Monaco Giovanni*, ed. V. Federici, [Fonti per la storia d'Italia pubblicate dall'Istituto Storico Italiano, Scrittori secoli XII-XIII], II, Roma 1925, pp. 12-14; the dating of the document is a matter of debate.

²⁰ *Lindprandi relatio de legatione constantinopolitana*, in *Liutprandi episcopi cremonensis opera*, MGH, *Scriptores Rerum germanicarum in usum scholarum*, Hannoverae 1915, p. 209.

was also the recognition of the demographic and religious growth, which should have justified its establishment as a bishopric, which we know did not occur. In the following decades, there is scarce information on bishops of Matera and suggests that the promotion attempted by Polieuto remained only on paper.

Military events immediately following may have weighed on the failure of the diocese. In 994, the city suffered a long siege by Saracen militia, and eventually the city was sacked; however, it remained in Saracen hands for a short time.²¹

By the threshold of the 11th century, Matera was a recognised and consolidated stronghold, sacked several times by the Saracens, but still able to recover quickly from the damage caused. Was it a city, a *civitas*? And since when is it possible to speak of a city of Matera? I believe that the town began to take on the connotations of a city from the mid-9th century onwards, although not yet in the full and traditional sense: Matera did not become an episcopal see, nor even a true political or administrative centre, as we shall see.

At the beginning of the 11th century, however, all the elements were in place for its rise as the main centre of the area linking the middle Bradano valley with the Bari coast. These elements included the presence of high-ranking officials in the city; links with important Latin monastic centres, which had churches in the city and its immediate suburbs; and demographic and religious growth recognised by Patriarch Polieuto, when he identified it as one of the possible suffraganes of Otranto. Above all, it gained a strategic and military role that went hand in hand with the demographic growth, which allowed the new centre to rapidly cope with the plundering it suffered in the 9th and 10th centuries. Gradually, the settlement became centered around the Civita, where the seats of power, the castle and the main ecclesiastical institutions were concentrated. Burials were mainly concentrated in the plateaus of the two Sassi, where the natural caves were already inhabited. Although, it is more complicated to identify the economic role of the city in relation to the territory due to the scarcity of information.

²¹ Lupo Protospatario, MGH p. 56. The same news is placed in the year 996 in the *Annales Bareses*, MGH p. 54.

The beginning of the Norman phase was particularly painful. Matera soon enough came under Norman control, but the Byzantine general Maniace retook the city in the summer of 1042 and inflicted heavy violence on the population, going so far as to execute two hundred men captured in the fields surrounding the Civita²². However, Maniaces' actions were ineffective in driving the Normans out of the city. Indeed, in September, a group of knights decided to make one of the Altavilla brothers, Guglielmo, their leader, who was elected count in Matera. This statement in Lupo protospatario is the starting point for a local tradition, in which the city of Matera has had a committee since 1042. Regarding the significance of the Altavilla brothers' title of count, I have addressed this elsewhere to show that it did not involve the creation of a comital district based in Matera²³. In reality, Matera remained within the possessions of the Altavilla family and the neighbouring counts of Montescaglioso and was essentially a state-owned centre.

Thus Matera was a developing city without being a real political or administrative centre or even a diocesan seat. The very character of the city was ambiguous, so much so that in private documentation, in notarial practice, Matera is almost always, and correctly, referred to as *terra Matere*. On the other hand, in the public sector from the second half of the 14th century, there is a shift towards the definition of *civitas*. We must be very careful, however, because almost all the documentation has come down to us in late copies, and there are no shortage of errors or corrections by transcribers.

In 1082, the city's most important monastery was consecrated, dedicated to St Eustace, the patron saint of the city, while in 1092 Pope Urban II also came to Matera and was hosted at the monastery of St Eustace²⁴. Between the end of the 11th and the middle of the 13th century, the centers of urban organisation were firmly defined. Beginning in 1203, the cathedral was built

²² Lupo Protospatario, MGH p. 58.

²³ F. Panarelli, *Una contea normanna a Matera?*, in *Apprendere ciò che vive. Studi offerti a Raffaele Licinio*, edd. V. Rivera Magos, F. Violante, Edipuglia, Bari 2017, pp. 319-328.

²⁴ H. Houben, *Urbano II e i Normanni (con un'appendice sull'itinerario del papa nel Sud)*, in Id., *Mezzogiorno normanno-svevo. Monasteri e castelli, Ebrei e musulmani*, (Nuovo medioevo 52) Napoli 1996 pp. XII-526, 115-43.

in the *Civita*, using the space and, I believe, also the assets, of the monastery of St. Eustace, which quickly disappears from the documentation (Fig. 04) ²⁵. The prelate retained the title of *archiepiscopus acheruntinus* and the city of Acerenza remained the main seat of the diocese for a few more centuries.

Also on the summit of the Civita hill was the first castle, which has now disappeared. Even in the ravines, on the hill-sides, human settlements grew. Evidence of this can be seen in the new monastic foundations, particularly of women, in these settlement areas.

In Sasso Caveoso, a women's monastery dedicated to St Lucia and St Agatha is attested from 1209. On the upper edge of the Sasso Barisano, the women's monastery of S. Maria la Nova was founded in 1230²⁶.

The settlement had reached a considerable size, which is attested, around 1240, in the *Statutum de reparacione castrorum*, this document lists the communities which had to pay for the maintenance of each state-owned castle. It is said that the castle of Matera was to be restored by the men of the Civita di Matera and those of the Sasso Barisano, while the men of the Sasso Caveoso were to repair another castle, that of Girofalco²⁷. This administrative source thus sanctions the existence of three fiscally separate districts, which maintained a distinct character. This is a unique situation within the Statutum, where each com-

²⁵ F. Panarelli, *Vescovi e monasteri nella ascesa di una nuova realtà urbana: Matera XI-XIII secolo*, in *Monasticum regnum. Religione e politica nelle pratiche di governo tra Medioevo ed Età Moderna*, (Vita regularis vol. 58) cur. G. Andenna, L. Gaffuri, E. Filippini Münster 2015, pp. 119-137; Id., *The Role of Female Monasteries in the Organization of Urban Spaces in Southern Italian Cities: The Case of Matera*, in *Protagonists of Urban Order from the Middle Ages to the Present: Actions, Ideas, Concepts*, Amsterdam University Press 2025, pp. 116-125.

²⁶ F. Panarelli, *Il Fondo Santa Lucia (1170-1494). Codice Diplomatico di Matera II*, (Università della Basilicata, Dipartimento di Scienze Umane, Fonti per la storia della Basilicata Medievale, II) Galatina 2018; Id., *Il Fondo Annunziata (1237-1493). Codice Diplomatico di Matera I*, (Università degli studi di Lecce, Dip. dei Beni delle Arti della Storia, Fonti Medievali e moderne, XIII) Galatina 2008; Panarelli, *Da Accon a Matera: Santa Maria la Nova*, cit.

²⁷ E. Sthamer, *Die Verwaltung der Kastelle im Königreich Sizilien unter Kaiser Friedrich II. und Karl I. von Anjou*, italian translation: *L'amministrazione dei castelli nel Regno di Sicilia sotto Federico II e Carlo I d'Angiò*, ed. C. D. Fonseca, Bari 1995, p. 108.



Fig. 4. The cathedral on the Civita

munity answers for a single castle. The city walls also effectively enclosed the Civita and thus sanctioned the separation from the settlements in the two Sassi. Places of power continued to be concentrated in the summit area of the *Civita*.

What were the characteristics of the city, its social organisation, and its economic strength? We know little about this directly, but to understand both the material structure of the city, the *urbs*, and the human structure of the *civitas*, we can rely on what remains of the city's written records. Over the centuries, almost all original documents relating to the city were lost, when the Great Archives of Naples burnt down on 30 September 1943; the Matera parchments also disappeared in that fire.

Fortunately, copies of many documents still exist and it is therefore possible to reconstruct their form and content. With a project now financed by the Basilicata Region (MeDiLuc) we are close to completing the transcription and edition of surviving documents relating to Potenza and Matera²⁸. The publication of the Register containing the privileges received by the city of Ma-

²⁸ MeDiLuc, *Potenza e Matera nel Medioevo: edizione digitale e studio dei documenti* (secc. XI-XV); the project financed by the Basilicata Region envisages the publication by 2025 of the most important documentary fonds related

tera from 1345 onwards entitled *Privilegia nonnulla Matere Civitati concessa ab a.D. MCCCXL*, and currently kept in the Archives of the Municipality of Matera, is planned. There are additional plans to complete the edition of the Matera Diplomatic Codex, of which three volumes have already been published (S. Michele di Montescaglioso, SS. Lucia e Agata, SS. Annunziata)²⁹. By the end of the year another three volumes will be added covering the other three surviving funds for the medieval age: Capitolo, Cattedrale di Matera, Università. Altogether, we have about 350 documents between 1082 and 1499; for the most part, these are private documents, but they contain information about the inhabitants, activities, distribution and type of properties, etc.

I will limit myself to just one example as to the information that can be gleaned. In a historical moment that was by no means coincidental, that is, in the middle of the 15th century, exactly in May 1452, the canons of the Matera Cathedral Chapter took what appears to be the first census, albeit a cursory one, of their real estate³⁰. The canons' plan was to take a census of all their assets following the Civita/Sasso Barisano/Sasso Caveoso tripartition, thus respecting the tripartition already established, as we have seen, in the *Statutum de reparacione castrorum*. We have received the complete list for the *Civita*, while the one for the Sasso Barisano is mutilated at the end, and the one for the Sasso Caveoso is missing. Even with these deductions, the two lists of urban possessions of the Matera chapter of 1452 are a veritable mine of information on the urban landscape of Matera in the mid-15th century. The two documents list 97 property units (mostly caves and to a lesser extent *foree* or *domus palatiate*) for the Civita and 83 for the Sasso Barisano, although for this district the list is incomplete.

The opportunities for study offered by such a document are varied and here I will review some of them. For example,

to the two main cities in Basilicata; the edition will be in paper and digital form with open access.

²⁹ Panarelli, *Il Fondo Annunziata (1237-1493)*, cit.; Id., *Il Fondo Santa Lucia (1170-1494)*, cit.; D. Gerardi, *Il Fondo Private ovvero documenti del monastero di S. Michele Arcangelo di Montescaglioso (secc. XI - XV). Codice Diplomatico di Matera III*, Galatina 2017.

³⁰ The document was kept in the Cathedral Fund, which is being published by Antonio Antonetti.

studying the vocabulary used in the two documents could be very valuable. The effort of a single notary to capture in notarial language, the complexity of the typology of real estate by using differentiated designations and progressive specifications, is evident. We thus encounter *cryptae*, *cryptoline*, *cryptilla*, which are clearly distinguished from *fovea* and *porticus*. Other terms which specify caves include *crypta palaciata*, *crypta in qua bedificatum est palatium*, *crypta imbriciata*, *crypta cum lamia*, *crypta subterranea*; *griptam unam cun casaleno uno supra ipsam*.

I will not go into the merits of the document and its lexicon, which I will deal with elsewhere, but it seems clear to me that the notary who drew up this deed, as generally all notaries who have written documents that have come down to us, created a specialised lexicon to describe an urban reality made up of built-up parts and excavated parts. The notaries tried with their legal and bureaucratic language to give order to what had developed without a plan, a predefined order. The apparently dry word of the notary classifies what had chaotically developed in the limestone of the Sassi and creating an apparent order.

IRENA BENYOVSKY LATIN

Discourses of urban order in the transformation of Dubrovnik's suburbs into a city centre during the Venetian rule¹

Abstract: The paper analyses discourses of urban order in the transformation of Dubrovnik's (Ragusan) suburbs into a city centre during the Venetian rule (1205-1358). In this period, the city almost tripled in size, and the process included planned long-term projects such as filling in the swampy area that divided the old town on the peninsula from the coast, the introduction of new communication routes and the redirection of old ones and the construction of new lines of walls. It was accompanied by the implementation of new legal regulations and the beginning of communal administration. Based on the written sources, results of archaeological research and spatial analysis, it is possible to trace the stages in planning Dubrovnik's suburbs from the early Duecento. The focus of the paper is on discourses of urban order introduced by both local and Venetian authorities. The dynamic urban planning, which adapted to the population size, the terrain, the needs of defence, land use, and other factors, led to intense residential mobility and a completely changed relationship between the centre and the periphery. At the turn of the 14th century, this long-term «work-in-progress» culminated in the unification of different suburbs and their connection with the old town.

Keywords: Dubrovnik; medieval suburbs; Venetian rule; urban planning; communal administration.

¹ This study was financed by the Croatian Scientific Foundation (research project «Topography of Power: Eastern Adriatic Cities in Medieval Spheres of Power», HRZZ IP-2019-04-2055, and the research project «Communities, Communication, and Social Networks in the Croatian Middle Ages and Early Modern Times» (COMNET), funded by European Union – NextGeneration EU programme (380-01-02-23-40). See also: I. Benyovsky Latin, *Socijalna topografija srednjovjekovnog Dubrovnika. Transformacija predgrađa u središte grada u mletačkom razdoblju (1205.-1358.)*, Zagreb, 2024 (second chapter); I. Benyovsky Latin – I. Haničar Buljan, 'Gradu Dubrovniku pripojen (je) drugi, novi grad koji se dosad zvaše predgrađem...': faze oblikovanja dubrovačkoga burgusa tijekom 13. stoljeća, «Povijesni prilozi» 43/66 (2024), pp. 7-69.

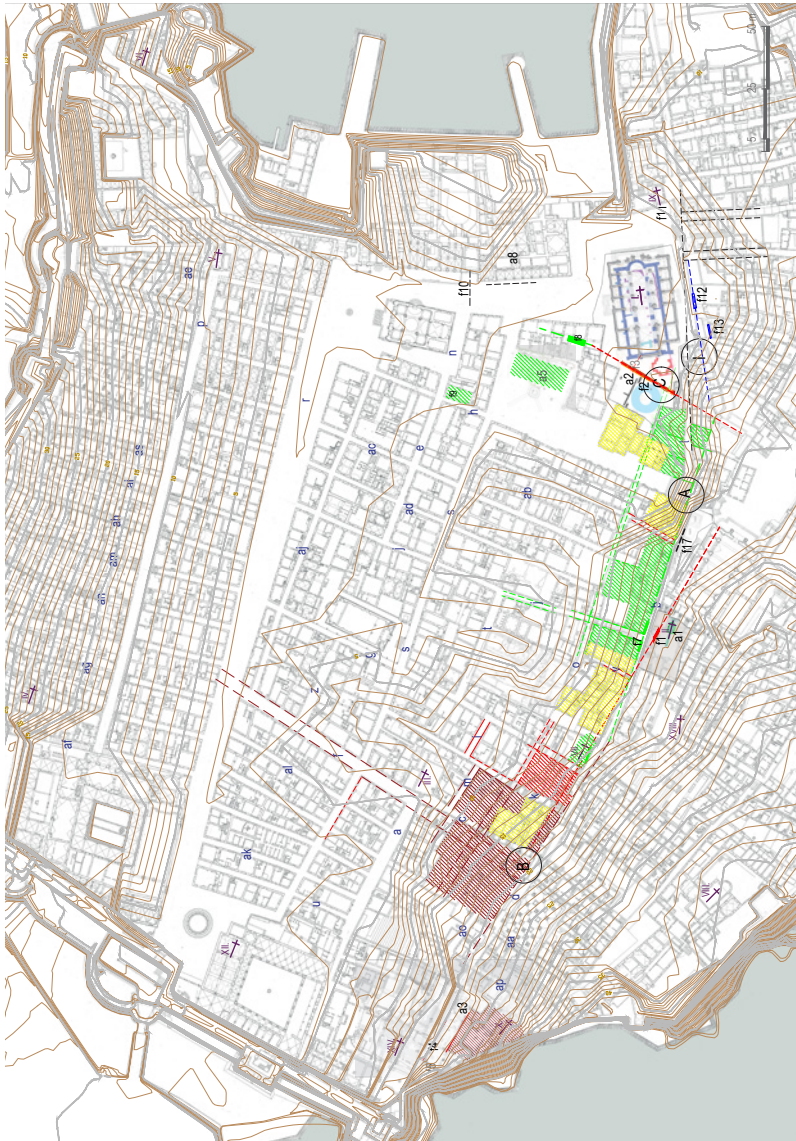
Introduction

Dubrovnik (medieval *Ragusa*) is a city in present-day Croatia, located in the southern part of the Eastern Adriatic coast. It was under Venetian rule in the 13th and the first half of the 14th century. At the beginning of this period, the city occupied an area that was less than a half of what it would become at the turn of the 14th century. From a small settlement on a peninsula (connected to the coast by a narrow, solid isthmus), it transformed into an organized coastal city through several phases of planning. The process of handling the difficult terrain and integrating the suburbs (created in different periods and organizationally and functionally different in character) into the city core lasted for decades. It was the result of various perspectives on urban planning and urban order, which were adapted to the population size, the terrain, the needs of defence, land use, and other factors. In Dubrovnik, the terrain was steeper to the south, with cliffs, and flatter, but more uneven to the north – where, except along the isthmus, it had to be reinforced and filled in because it included a wide sandy coastline (or a shallow sea bay). To the north of it, towards the coast and Mount Srđ, solid terrain again climbed steeply. I have traced the natural isolines of the cliffs as well as those (very even, artificial) on the filled and levelled ground, which is an additional element in interpreting specific phases in the city's expansion. Dubrovnik experienced many transformations, including both constructions and demolitions, the layers of which are often difficult to identify and date. Using the comparative methodological approaches of social topography and spatial syntax², this study aims to reveal the dynamic relationship between spatial design, Venetian rule, and the structure of urban population.

Pre-communal period

This paper focuses primarily on the area that was suburban in the beginning of the given period (and the city centre at the end of Venetian rule), that is, the area outside the ramparts of

² A. Van Nes – C. Yamu, *Introduction to Space Syntax in Urban Studies*, Cham, 2021.



Map I. Suburbs before the 13th century

the «old», pre-communal city core on the cliffs of the peninsula (including the late antique castrum built near the port). The line of the ramparts that surrounded the late antique or pre-communal city core did not survive, but there are several archaeological fragments of the city walls from different periods and extending in different directions, as they all followed the natural isolines of the cliffs. Late antique fragments are marked in red on the map.

The fragment of the northern wall (Map 1, f1) of the late antique settlement was discovered in the line of today's Strossmayerova street (Map 1, b). It is perpendicular to the fragment (Map 1, f2) of the western line of the late antique castrum (reinforced in the pre-Romanesque period). This direction is also identifiable elsewhere in the urban fabric, as a remnant of late antique communication routes or aligned with them.

Another direction of the early medieval wall is preserved in the line of nowadays Od Rupa Street (Map 1, d, marked in brown). A third direction of the pre-communal northern city wall is identified in the fragment (Map 2, f 7) discovered in today's Strossmayerova Street (Map 2, b), marked in green. It may have been built because the older, late antique one (at a decline of 12 degrees) had been destroyed or became non-functional. It also served to defend the area around the eastern «Lion's Gate» (A). The directions of these walls are important because they determined the positions of the introverted and fortified blocks built along them in the pre-communal period (10th-12th centuries), before the systematic filling of the terrain and after determining the direction of communication routes to the north. The position and size of the blocks was conditioned by the terrain (stability of the cliffs) as well as the line of the city wall on which they were leaning, and possibly also by older (late antique) directions.

There was a sea bay or strait between the stable coastline and the city core on the cliffs until the 11th-13th centuries. Questions related to the earliest urban topography of Dubrovnik are still open and inspire numerous (often contradictory) interpretations, requiring further interdisciplinary and transdisciplinary research. Regardless of whether there was sandy soil or a shallow bay, the terrain in the centre of today's Dubrovnik was not suitable for construction, especially in stone, and had to be continuously filled. Chroniclers write about filling it with «earth and stones» to create a wide area or field (*campus*)³. It was also done to better connect the areas of different levels into a whole, and a wealth of archaeological finds have been preserved below the current ground level.

³ *Annales Ragusini Anonymi item Nicolai de Ragnina. Monumenta spectantia historiam Slavorum meridionalium* 14, ed. N. Nodilo, Zagreb, 1893, p. 210; L. Beritić, *Utvrdjenja grada Dubrovnika*, Dubrovnik, 1955, p. 17; A. Ničetić, *Povijest dubrovačke luke*, Dubrovnik, 1996, pp. 28, 206.

The terrain was first filled in west of the port, in the area of the late antique castrum, which was extended to the north⁴. The deepest section of the terrain was right there (Map 1, a 8)⁵. The new line of the new western wall of the castrum was perpendicular to the pre-communal wall around the city core (marked in green) – a fragment (Map 1, f 8) has been discovered in a later Baroque palace⁶. The construction of the Romanesque cathedral (Map 2, I.) began in the 12th century about three meters higher than the previous basilica, on an elevated terrain on the site of an older church built on land that was filled in and levelled with the surrounding area⁷. Late in the 12th century, the church of the Holy Saviour *de paludo* (Map 2, XI.) was built north of the Cathedral. It was under the patronage of laymen (once a private church?), members of the most prominent immigrant and resident families. The Cathedral and the port were also protected by some larger fortification, the *turris imperialis* (Map 2, a 8), built

⁴ I. Žile, *Fortifikacijski sustavi u svjetlu recentnih arheoloških nalaza*, «Dubrovnik» 2 (1993), pp. 223-228; id., *Zaštitna arheološka istraživanja crkve Sv. Vlaha u povijesnoj jezgri grada Dubrovnika*, «Starohrvatska prosvjeta» 3/35 (2008), p. 188; id., *Rezultati arheoloških istraživanja u palači Kaboga 2-4 u Dubrovniku*, «Radovi IPU» 16 (1992), pp. 19-27; M. Ivanović, *Obnova Kneževa dvora u Dubrovniku nakon potresa 1979. godine u svjetlu novih spoznaja*, «Mostariensia» 20/1-2 (2016), pp. 79-92; Arhiv Zavoda za obnovu Dubrovnika (hereafter: ZOD), *Istražni radovi na Kneževom dvoru u Dubrovniku s načelnim prijedlozima sanacije I-II*, Dubrovnik – Zagreb, 1974.

⁵ According to some studies, based on geological probing, the deepest solid ground was discovered in the probes near the Rector's Palace (Map 2, a 8), the («new») church of St Blasius (Map 4, XIII.), and on the site of today's Gundulićeva Poljana (Map 2, a 5), while in the area between Lučarica (h) and Božidarevićeva (g), or Široka (f) streets, the depth was very small (this is where the natural isthmus begins); Ž. Peković, *Urbani razvoj Dubrovnika do 13. stoljeća*, «Dubrovnik» 4 (1997), p. 172.

⁶ B. Dundović, *The Bassegli-Gozzè Palace in Dubrovnik: Spatial Genealogy and Architectural Features*, «Prostor» 26 (2018), pp. 2-19, here 6. This palace was built in the block NW of the Cathedral, and its present layout stems from the period after the earthquake. Nevertheless, the palace also contains older layers; KOD, *Izvyestaj zaštitnih arheoloških istraživanja na lokalitetu Palača Bassegli-Gozzè (Blok 2)*, Dubrovnik, 1984; K. Horvat-Levaj, *Barokne palače u Dubrovniku*, Zagreb – Dubrovnik, 2001, p. 238.

⁷ D. Zelić, *Arhitektura starih katedrala*, in: «Katedrala Gospe Velike u Dubrovniku», Zagreb – Dubrovnik, 2014, pp. 31-69, here 45.

during the Byzantine administration and demolished in a Venetian attack on Dubrovnik during the late 12th century.

Filling in and expanding the area outside the city core was certainly prompted by a demographic surge. In the 12th century, there was an increased influx of (wealthy) newcomers, mostly from the hinterland and other coastal towns, but also from Italian cities⁸. West of the castrum, a new suburb emerged – even before the Venetian administration – and archaeologists have discovered a building complex from the 11th-12th centuries (Map 1, f 9, marked in green). The later Romanesque houses and streets were also in line with the direction of the castrum wall (Map 2, a 5, marked in green)⁹. Around the western city gate (Map 2, B), on the site of the pre-Romanesque Domino church (Map 2, III.) and on the elevated terrain, a new church, now dedicated to All Saints, was built at the end of the 12th century¹⁰. There were thus two churches built on the filled terrain at the end of the 12th century, both under the patronage of laymen.

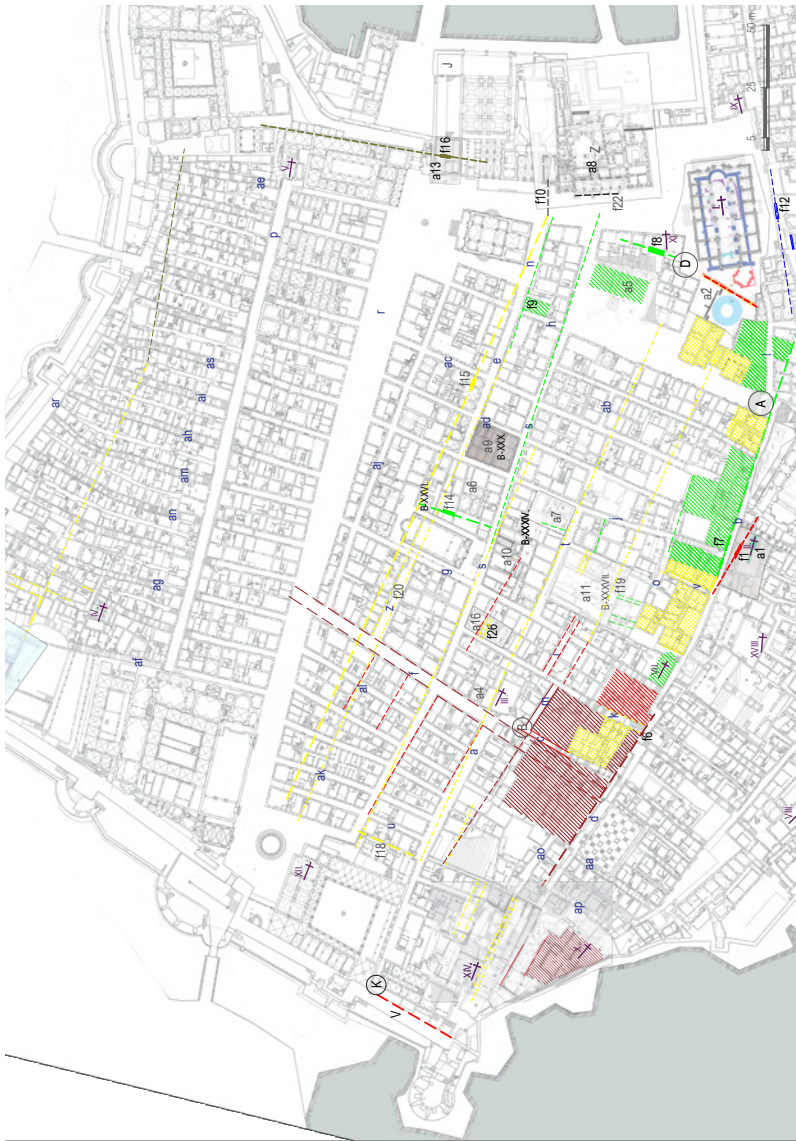
The first suburb created in the beginning of Venetian rule

From 1205, Dubrovnik was governed by Venice. The city lost some of its autonomy: Venetian patricians were appointed as the city's counts with a mandate of two to three years. Venice certainly had considerable experience in filling in swampy

⁸ I. Mankhen, *Dubrovački patricijat u 14. veku* I, Belgrade, 1960, p. 204; N. Vekarić, *Vlastela grada Dubrovnika, 3. Vlasteoski rodovi (M-Z)*, Zagreb – Dubrovnik, 2012, p. 216; I. Benyovsky Latin, *Grad i zaleđe u narativnim vrelima: konstruiranje tradicije o ranosrednjovjekovnim doseljnjima u Dubrovnik iz slavenskog zaleđa*, «Acta Histriae» 25/3 (2017), pp. 473-510.

⁹ Beritić, *Ubikacija nestalih gradjevinskih spomenika u Dubrovniku*, p. 12; IPU, *Blok na Gundulićevoj poljani*; KOD, *Izvjestaj o provedenom arheološkom nadzoru Gundulićeva poljana*, Dubrovnik, N. Kovačević Bokarica, Dubrovnik, 2016; KOD, *Izvjestaj o provedenom arheološkom nadzoru Gundulićeva poljana*, N. Kovačević Bokarica, Dubrovnik, 2019; KOD, *Izvjestaj zaštitnih arheoloških istraživanja na lokalitetu Palača Bassegli-Gozzje*; Horvat-Levaj, *Barokne palače*, p. 238.

¹⁰ I. Žile, *Rezultati arheoloških istraživanja u Domu Marina Držića*, pp. 49-57; CD Supplementa, vol. I, ed. H. Sirotković, Zagreb, 2002, doc. 12; G. Čremošnik, *Nekoliko dubrovačkih listina iz XII i XIII. stoljeća*, «GZM BiH» 43/2 (1931), pp. 37-38; CD VI, ed. Tadija Smičiklas, Zagreb, 1908, doc. 386, pp. 463-465.



Map II. Suburbs from 1205 to 1272

terrains. The suburb of Dubrovnik was reinforced north of the communication route that connected the two new churches all the way to the northern line of the *castrum*, particularly in the area between the isthmus and the *castrum* (the area west of the isthmus was presumably filled in only during the 1260s).

The earliest structures can be identified in the eastern part of this area, which was probably the first to be levelled. This

was certainly influenced by the construction of the first Venetian fort to the east, whose oldest core (on the site of the former Byzantine fort) was created as early as the beginning of the 13th century to provide security to the Venetian count (Map 2, Z). However, the count did not live in that fort until the 1280s, but in a rented house on what was then the main communal square, east of the Cathedral¹¹. The marginal position of the count's seat with regard to the city was typical of Eastern Adriatic cities under Venetian rule¹². The count's fort – later palace – did not have a compact volume for most of the 13th century, but was a set of towers connected by walls, with an inner courtyard that was transformed into a palace only in the 14th century¹³. Its defence character is also evident in the term *castellum*¹⁴.

¹¹ N. Grujić, *Arhitektura Kneževa dvora u srednjem vijeku: od utvrde do palače*, in: *Knežev dvor u Dubrovniku: utvrda – palača – muzej*, ed. P. Vilač, Dubrovnik, 2016, pp. 11–33, here 21. In the nearby church of St Cosmas and Damian (Map 2, IX.), a *pretorium* (courthouse) is mentioned as early as the pre-communal period; cf. Fisković, *Crkvice sv. Kuzme i Damjana*, 267.

¹² I. Benyovsky Latin, *Governmental Palaces in Eastern Adriatic Cities (13th–15th Centuries)*, in: *Political Functions of Urban Spaces and Town Types through the Ages*, ed. R. Czaja, Z. Noga, F. Oppl, M. Scheutz, Cracow – Toruń – Vienna, 2019, passim.

¹³ The count's palace burnt down in the 15th century. According to chronicler Diversis, it was a palace with several towers, formerly a fort; cf. Z. Janeković Römer, ed., *Filip de Diversis, Sabrana djela. Opis Dubrovnika. Govori u slavu kraljeva*, Zagreb, 2007, pp. 53–54. Archaeological excavations established in 2016 that the new count's palace from the time of Onofrio della Cava (15th century) was elevated by ca. 0.5 m with regard to the previous building. I. Topić – N. Krajcar Bronić – A. Sironić, *Rezultati arheološkog nadzora i određivanje starosti drvenih pilota iz atrija Kneževa dvora u Dubrovniku*, «Portal. Godišnjak Hrvatskog restauratorskog zavoda» 9 (2018), pp. 31–49.

¹⁴ Thus, it is mentioned in the first book of the Statute that the canons must officially come every year to the palace (*in Castellum*). The same book mentions the custom according to which Ragusan sailors must come *in Castellum* on Christmas Eve, and butchers on New Year's Eve; millers had to bring milled grain *in Castellum* (for the count's household). A. Šoljić – Z. Šundrica – I. Veselić, eds., *Statut grada Dubrovnika: sastavljen godine 1272*, Dubrovnik, 2002 (henceforth: DS), I, 2, 7, 8, 9. There was also a prison there: according to the eighth book of the Statute, debtors were imprisoned *in Castello*; DS, VIII, 30, 31, 67, 69. Furthermore, according to the statutory provision on streets from 1296 (after the fire), (today's) Zeljarica street ended in the east near the *turris castelli ante portam fundici*. In 1296, the street (n) south of it (today's Od Puča, s) ended directly *ante Castellum*. DS, VIII, 58.

West of the castrum wall, there were built manorial blocks/lands, surrounded by private walls, some probably constructed before Venetian administration. They are mentioned in various documents, and one such wall (Map 2, f 14) is preserved today, with a (Romanesque) loophole to the west – its direction being the same as the fragment of the pre-communal wall around the *castrum* (Map 2, f 18, marked in green). The same orientation is found in several structures discovered south of the said wall (Map 2, a 6)¹⁵. Before the construction of the suburb ramparts (Map 2, f 15), there was only partial defence in the suburbs, involving private individuals, owners of fortified buildings. Based on archaeological findings as well as spatial analysis, it is possible to observe great regularity in certain structures within the eastern area of the suburb. Also, one can also identify slight, regular contour lines/isolines as resulting from filling in the terrain.

The orientation of blocks in the western part of the filled area is different, adjusted to the direction of the E-W communication route that ran through the *burgus* (Map 2, t). It is known from late 13th-century documents that the lands in the isthmus area (west of today's Božidarevićeva, Map 2, g) were mostly in the hands of the commune and of the ecclesiastical institutions: Benedictine monasteries and nunnaries (St Bartholomew, St Simeon, St Mary *de Castello*), churches under patronage (All Saints, Holy

¹⁵ The same direction as in fragment f4 (Map 2) is found in some of the structures discovered during the archaeological excavations at the Bundić Palace (Map 2, a 6). Cf. *Dubrovnik – blok omeđen ulicama Od puča, Pracatovom, Između polača i Božidarevićeve*, Zagreb, 1990; *Probna arheološka istraživanja u sklopu rekonstrukcije poslovnog prostora u dijelu prizemlja palače Bundić u Dubrovniku*, Dubrovnik, 2012. West of the palace, at today's Od Puča 11, the same directions have been observed during archaeological excavations, cf. *Konzervatorski elaborat: Dubrovnik, Ulica od puča 11, State Administration for the Protection of Cultural and Natural Heritage, Main Commission in Split* (R. Bužančić, V. Kovačić, I. Žile, C. Pezzi), Split, 1996. The «Muratti House» (Map 2, a 7), somewhat further south, on the corner of Pracatova and Gučetićeva streets, has also been explored. It was once a medieval block (Sorkočević Palace) and erected after the Great Earthquake on the remains of a Gothic-Renaissance palace; cf. Horvat-Levaj, *Barokne palače*, 203; cf. *Izvještaj arheoloških istraživanja, valorizacija nalaza i prijedlog konzervatorskih smjernica. Kuća Muratti u Ulici Miha Pracata* (Romana Menalo, Jelica Peković), Dubrovnik, 1997.

Saviour), and the archbishop. In 1262, the church of All Saints was situated *ad portam occidentalem veteris Urbis* (Map 2, B)¹⁶.

According to the chronicles, during the time of the Venetian count Marsilio Zorzi (in 1252), «new ramparts were constructed around the suburbs»¹⁷, and this information can be connected to some contemporary sources mentioning the new wall¹⁸ and the archaeological find of a Romanesque (city) wall running in the E-W direction (Map 2, f 15). In the east, the wall was connected to the northern wall of the pre-communal *castrum* (Map 2, f 10)¹⁹. Its line was a newly introduced direction (Map 2, t, marked in yellow), the exact middle between the pre-communal (green) and late antique (red) directions (with a six-degree difference).

The new wall around the suburb (Map 2, f 15) primarily had a defensive role, but it also served as a new administrative/legal boundary of the area that was gradually joining the city. This was the result of the population influx, as well as an indicator of the plans of the local and central authorities to expand the city area and integrate different suburbs and blocks along the walls into a whole.

The church of All Saints and the church of Holy Saviour, one located near the western city gate and the other near the *porta de paludo* in the castrum wall (Map 2, D), were connected with the new communication route (E-W). It was parallel to the new city wall around the suburbs and also aligned with the natural isolines (map 2, t). During archaeological excavations, a street

¹⁶ I. Benyovsky Latin, *Obrana dubrovačkog predgrađa sredinom 13. stoljeća. Prilog istraživanju privatnih kula*, «Historijski zbornik» 65/1 (2012), pp. 17-39.

¹⁷ Natko Nodilo, ed., *Chronica Ragusina Junii Restii (ab origine urbis usque ad annum 1451) item Joannis Gundulae (1451-1484)*, Zagreb, 1893, p. 90. These data are from narrative sources and not considered as reliable in historiography; cf. Beritić, *Utvrdjenja grada Dubrovnika*, 18.

¹⁸ *Diplomatički zbornik Kraljevine Hrvatske, Dalmacije i Slavonije / Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae* (henceforth: CD), V, ed. T. Smičiklas, Zagreb, 1907, No. 612 (June 26, 1258); M. Medini, *Starine dubrovačke*, Dubrovnik, 1935, pp. 150-151; Ž. Peković, *Dubrovnik. Nastanak i razvoj srednjovjekovnog grada*, Split, 1998, pp. 57, 86-87.

¹⁹ It is difficult to say how far westward the line of the new suburban wall went. The (old) church of St Blasius (Map 2, XII.) is mentioned in 1255 as standing within the city: *ecclesia Sancti Blasii que est intus in civitate Ragusii*; D. Zelić, *Prva crkva sv. Vlaha u Gradu*, in: *Stolna crkva sv. Vlaha u Dubrovniku*, ed. K. Horvat-Levaj, Dubrovnik – Zagreb, 2017, p. 44.

was discovered south of this route and parallel to it (Map 2, f 19, marked in yellow)²⁰.

The fortified/manorial blocks (Map 2, f 14) that existed in the eastern suburb before the construction of new fortifications (marked in green) fit into the new delimited and levelled area. The whole area, especially the western part of the new suburb *infra muros*, was divided into large blocks of land along which passageways were laid out (yellow on Map 2). Their boundaries were defined by marker stones, as recorded in sporadic documents from the mid-13th century²¹. Very few marker stones have been found during archaeological excavations, with names of owners indicated in initials. These blocks were laid in the same direction as the new wall (archaeological and spatial analysis has shown that there were E-W passageways parallel to the communications route to the south, and this direction is also preserved in the later building plots and houses)²².

²⁰ Its eastern end is identifiable in the northern part of the block north of the Lion's Gate (Map 1, A) west of the castrum (marked in yellow), while the rest of it is preserved to the west, near the church of St Bartholomew/Mark (Map 2, XIV). This communication route is broken in the area around the west gate due to the terrain and the remnants of older routes; *Elaborat Osnovna škola «Miše Simoni» u Dubrovniku (palata i vrt u Gučetićevoj ulici, objekti u Pracatorvoj): analiza razvoja i stanje*, Zagreb, 1984; *Elaborat Blok uz Jezuite – Buničeva poljana. Analiza razvoja, stanje i prijedlozi konzervatorskih smjernica*, Zagreb, 1994; R. Menalo, *Izvišće o arheološkim istraživanjima u vrtu Osnovne škole «Grad», Dubrovnik*, 1987.

²¹ I. Benyovsky Latin – S. Ledić, *Posjed obitelji Volcassio u srednjovjekovnom Dubrovniku*, «Anali Zavoda za povijesne znanosti Hrvatske akademije znanosti i umjetnosti u Dubrovniku» 51/1 (2013), pp. 17-60. In the Dubrovnik area, marker stones are mentioned during the entire Middle Ages; cf. *Libro negro del astarea*, ed. A. Marinović, Dubrovnik, 2005, p. 11; N. Vekarić, *Pelješka naselja u 14. stoljeću*, Dubrovnik, 1989, p. 30.

²² North of Gučetićeva, the E-W passageways parallel to the communications routes to the south can be partly identified in Od Puča street (s), east of the intersection with Široka (f) and in Vara (z), which in its entirety is a remnant of such a passageway. The said direction is also preserved in later building plots and houses, such as the so-called «Giorgi-Mayneri House» north of the church of All Saints, the large plot of today's Orthodox Church, or the plot discovered during archaeological excavations at Od Puča 11 (Map 2); *Elaborat: Dubrovnik. Ulica od puča 11* (R. Buzančić, V. Kobačić, I. Žile, C. Pezzi), Dubrovnik, 1996. R. Menalo, *Nalazi stambene arhitekture (13.-17. st) u Dubrovniku u svjetlu arheoloških istraživanja*, «Zbornik dubrovačkih muzeja» I

The first communication passageways along the large blocks were primarily those in the E-W direction, about 1.5-2 fathoms wide, like the later E-W streets (1 fathom = 2.048 m or 8 spans). They were about 10 fathoms apart and formed large blocks (Fig. 1, 1). There was a narrower access lane (E-W) passing through them, which is preserved in the grid as well as mentioned in notarial documents (land plots that were 10 fathoms and 7 spans long)²³. On the edges of these blocks, there were (mainly wooden) houses (sometimes towers), and in the middle, wooden cottages (*capannae*) that belonged to servants or tenants. Large blocks in Dubrovnik's suburbs were originally sparsely populated and owned mainly by ecclesiastical institutions and «loyal» noble families (newly settled or resident, moved there from the city core)²⁴.

The Venetian administration in Dubrovnik certainly had a significant influence on urban planning²⁵. It is possible that during the mandate of the aforementioned Venetian count Marsilio Zorzi²⁶, the basic plan for the Dubrovnik suburbs was made, somewhat modified after the routing of public streets. Zorzi governed Dubrovnik in the mid-13th century, after which the Doge appointed him as the count of Korčula (*Curzola*) for life – a city known to be newly planned during Venetian governance. In-

(2004), pp. 153-283, here 263; *Elaborat «Blok 9» (Široka – Domino – Hludina – Vrata Celenge – Od puča)*, working group of D. Stanić, N. Nađ, I. Žile, Ž. Baća, D. Teslić, and M. Mojaš, Dubrovnik, 1987; Dubrovački muzej, *Izvyještaj o arheološkim istraživanjima u palači Giorgi-Maineri. Ulica od puča 17*, Dubrovnik, 1997 (Romana Menalo).

²³ Josip Lučić, ed., *Spisi dubrovačke kancelarije : Zapisi notara Andrije Beneše 1295-1305. Monumenta historica Ragusina*, Zagreb, 1993 (henceforth: MHR IV), doc. 262, pp. 78-79.

²⁴ M. Planić-Lončarić, *Zajednički prostori stambenih zona srednjovjekovnog Dubrovnika*, «Radovi Instituta za povijest umjetnosti» 12-13 (1988/89), pp. 65-75.

²⁵ Nevertheless, the design of long blocks/rows had been a characteristic of medieval Dubrovnik urban planning even before the Venetian rule. It is well known that in the pre-communal period, Pustijerna emerged as a planned area with double rows laid out in the N-S direction, which may have served as a model of spatial organization in the new Dubrovnik suburb. N. Grujić, *Dubrovnik – Pustijerna. Istraživanje jednog dijela povijesnog tkiva grada*, «Radovi Instituta za povijest umjetnosti» 10 (1986), pp. 7-39.

²⁶ J. Belamarić, *Osnutak grada Korčule*, Zagreb, 2005.

terestingly, similar large blocks are found in other Eastern Adriatic cities (for instance in Rab, *Arbe*), which indicates the model that the Venetian government implemented in cities under its rule. In Rab, however, the plan to create a large city was never realized (due to external circumstances) yet the blocks remained large, unlike in Dubrovnik, where they were divided into smaller units).

Organisation of the northern suburb

In 1266, narrative sources mention the beginning of the construction of a «new city wall» around the settlement in the coastal area. On the one hand, it was due to a threat from the hinterland during the 1260s and the need for defence, as yet another war with the Serbian king Uroš broke out in 1265. On the other hand, the old, early medieval coastal settlement began to be perceived as a new, northern suburb of the city, and its new walls, if we are to trust the narrative sources, made the wall around the southern suburb obsolete (and perhaps led to its demolition). This «suburb» was, however, still divided from the rest of the city by the swampy terrain/shallow bay, and today's Prijeko street (Map 2, p) was referred to as *costeria burgi* as early as 1296.

The new northern wall allegedly had towers, and four towers were also built to defend the port. The square-based Venetian fort near the port, or its towers connected by walls, featuring an inner courtyard with the necessary infrastructure (which would only later be transformed into the count's palace), was probably built gradually, not all at once, and retained its primarily defensive role²⁷. The construction of ramparts around this area is traceable in contemporary documents only from the early 1280s. However, one learns from a 1285 dispute that the construction officials of the time used stones from the dry wall that had been there since ancient times²⁸. In the northwestern part of the northern suburb, a fragments of the wall (direction N-S) was found dated

²⁷ Izvještaj o provedenom arheološkom nadzoru kameni potporni zid u ulici od Pustijerne; Grujić, *Arhitektura*, 18.

²⁸ MHR III, doc. 135, p. 50.

The suburb created west of the isthmus in 1268/9 and the statutory provision on suburban streets (1272)

Shortly after the news about the construction of a wall around the northern suburb, narrative sources mention the «annexation» of the western suburb to the city in 1268/9 – allegedly, it was decided to urbanize the area called St Blasius (near the church of the same name, Map 2, XII.) «because it was empty, without houses and swampy (!), so it was necessary to arrange it for the construction of houses»³⁰. Walls and guardhouses were allegedly built around that suburb, as well as a new gate (previously next to the church of All Saints, Map 2, B). It was the area west of the isthmus, whose northern part, according to the documents, belonged to the Ragusan archbishop.

In 1272, during the mandate of the Venetian count Marco Iustiniani (Giustinian), the city statute was codified. The well-known statutory provision on streets (*De viis*) from 1272 records that «a second, new town, until now called burgus, has been annexed to the city of Dubrovnik»³¹. The provision confirmed the creation of new public streets, mostly through the «southern and western suburb» – south of the suburb wall from the mid-13th century. However, it did not include the areas (probably gardens) that were in the hands of religious institutions (the archbishop, Benedictine monasteries and nunnaries, churches under patronage). The new public streets were again laid out in the new direction (marked in orange on Map 3) to better interconnect the new important points in the city – the new western city gate and the count's fort – or to correct the communication routes that were no longer functional. The direction was exactly in the middle between that of the old communication routes in the eastern suburb (marked in green) and that of the suburb around the All Saints church (marked in yellow).

When these public streets were introduced, the selected old passageways / communication routes of 1.5-2 fathoms or 12-16 spans (E-W) were confirmed as public streets 14 spans wide, while others were lost due to property relations (merging several blocks into one) and the impossibility of «aligning» different

³⁰ Cerva, *Sacra Metropolis Ragusina*, inv. No. 36 – IV – 14.

³¹ DS V, 41; M. Prelog, *Dubrovački statut i izgradnja grada (1272-1972)*, «Peristil» 14-15 (1971/72), pp. 81-94.

directions. For instance, the former main communication route lost its eastern extension (which ran all the way to the Swamp Gate, Map 3, D), due to property relations and the impossibility of «connecting» it to the communication route coming from the east, and the subsequent loss of importance (as the main communication route moved further north). The old passageways coming from the south before this regulation, from the old city core (which at that time probably included the suburbs), were mostly extended northwards, all the way «to the campus», and became new public streets³².

The new organization of the suburb meant catering for the housing, security, and economic needs of the city's inhabitants, but also establishing communal control over urban land and implementing the planned population policy of the city administration and the supra-local (Venetian) authorities. The decision of 1272 was prompted by a demographic surge, more developed administration, and also the economic dynamics of the city, all of which required the introduction of a new infrastructure and the revaluation of existing territories. It also confirmed the implementation of a thorough urban regulation of the city (as opposed to the previous, partial ones), which aimed to interconnect the city (the city centre and various suburbs) into a whole by means of public streets.

This statutory regulation shows the effectiveness of the executive power and the functioning of institutions. The new street layout certainly necessitated the demolition of certain buildings and creating passageways crossing private lands. In the «new city», private walls around land plots and private towers were gradually demolished³³. Nevertheless, the statute determined the routing of new streets «so that in the future there is no doubt about the roads and streets of that suburb... ». Old boundaries and marker stones were to be respected, and landowners were expected to grant each other passage, which was especially im-

³² These include today's Široka, Pracatova, and Lučarica, the southern parts of which served as passageways from the city centre towards the suburb land even before the streets were laid out. However, now these passageways changed their function, becoming longer and serving as public streets.

³³ MHR I, doc. 1119, 335; I. Benyovsky Latin, *Obrana dubrovačkog predgrađa sredinom 13. stoljeća. Prilog istraživanju privatnih kula*, «Historijski zbornik» 65/1 (2012), pp. 17-39.

portant because the new street layout interrupted some of the old communication routes³⁴. It was at that time that the permanent service of *tres de melioribus hominibus* was established, which was supposed to supervise the new constructions, while the statutory regulation *De officialibus eligendis super territoriis et viis* determined the presence of at least two «good» men while the boundaries of new houses were measured and the construction began³⁵.

In Dubrovnik, Venice had to deal with existing heritage and local laws and customs when extending the new concept of order in the urban community. The city's government was there to keep «good order», to provide rules for orderly cohabitation, and enforce the law for the common good. Some of the elements of legislation and administration that promoted the concept of order brought innovation and harmony, while others served to impose control and population policy.

The area west of today's Pracatova (j) and north of Od Puča street (s) was not included in the new regulation, which suggests that it was different in terms of property relations or function, and/or that there were still fortified feudal blocks along that line, regardless of the communication routes that ran through the suburb. As mentioned before, in this area, according to the available documents, real estate owners were mainly monasteries, nunnaries and churches. According to the regulation of streets in the suburb, the main communication route in the direction E-W was the street to the north of the old one (today's Od Puča, s), laid out from the *porta castris* (Map 3, E) in the east to the isthmus in the west.

The subdivision of large blocks transformed the suburb after the introduction of public streets from a semi-urban into a genuinely urban zone, with plots intended for the construction of houses, shops, and warehouses. However, this process was slow, as was the process of building new northern ramparts around the city. Even in the 1270s, there are still mentions of land plots in the suburbs that were surrounded by private walls, and their construction was regulated. New public street network was established as a sign of communal control over this area and the transformation of a large territory into smaller units – ur-

³⁴ DS V, c. 18.

³⁵ DS V, 44.

ban plots. At the same time, land consolidation was underway, as various adjacent plots were merged in the hands of a single family, usually noble (it was often a *fraterna*, a community of two brothers, which combined family ties and business activities), although elsewhere large plots were subdivided into smaller ones by means of access lanes. In the notarial records from the late 1270s, plots of five fathoms in width are mentioned, a consequence of introducing additional access lanes. Documents from the late 1270s often mention land plots sized 5 x 5 fathoms, between which there were N-S access lanes about 1 fathom wide³⁶. One also comes across descriptions of land plots of certain sizes, which is the result of older subdivisions, and this is also partially identifiable in spatial organization (Fig. 1, 2).

A model for similar spatial organization, adapted to the local heritage and circumstances, was perhaps also transmitted through notaries, who from the late 1270s mostly came from Italian provinces where new planned settlements were being founded (for example from Tuscany, Veneto, Reggio Emilia, or Marche)³⁷. From 1277, with the arrival of Tomasino de Savere (from Reggio Emilia) as the first official notary, the systematic recording of real estate transactions began. Notarial documents, continuously preserved for the period from 1278 to 1285 (and later again from 1295), preserve numerous details about the land plots in the suburb³⁸. The dynamics of real estate transactions, that is, everyday legal practice, were too complex to function without a clear legal system, so all real estate transfers were recorded in notarial books. In the documents, there are mentions

³⁶ Cf. land plots 5 fathoms wide, with 1 fathom access lanes, on the large land plot owned by the Crossio, which was put up for sale in 1279: Benyovsky Latin – Haničar Buljan, *Digital mapping*, passim.

³⁷ M. Planić-Lončarić, *Planirana izgradnja na području Dubrovačke Republike*, Zagreb, 1980, passim; D. Friedman, *Florentine New Towns: Urban Design in the Late Middle Ages*, Cambridge, 1988; W. N. A. Boerefijn, *The Foundation, Planning and Building of New Towns in the 13th and 14th Centuries in Europe: An Architectural-Historical Research into Urban Form and Its Creation*, doctoral dissertation, Amsterdam, 2010. E. Guidoni, *Storia dell'urbanistica. Il Duecento*, Rome – Bari, 1989, p. 95; id., *Arte e urbanistica in Toscana, 1000-1315*, Rome, 1970.

³⁸ I. Benyovsky Latin, *Obrtnici i općinsko predgrađe Dubrovnika krajem 13. stoljeća*, in: 8. Istarski povijesni biennale: *Artisani et mercatores...: o obrtnicima i trgovcima na jadranskom prostoru*, ed. M. Mogorović Crljenko – E. Uljančić, Poreč – Pula – Pazin, 2019, pp. 52-80.

of land plots that were half the size of those mentioned before (2.5 x 2.5 fathoms)³⁹, or even 2 x 2 fathoms⁴⁰, which was certainly the result of introducing additional access lanes, more frequent from the early 1280s. There were various combinations, depending on property relations and the section of the suburb in question. Few of these access lanes have remained preserved in situ.

According to the narrative sources, the Serbian king attacked the city again in 1275, but still failed to capture it. Chroniclers describe that the surrounding territory and a part of the suburb were destroyed (this was the fate of the first Franciscan monastery of St Thomas outside the city as well as the old churches of St Blasius and St Vitus at Pile)⁴¹. The description also mentions a wall around the suburb among the demolished structures (perhaps the one around the suburb whose fragment was found at the Kaboga Palace, Map 3, f. 15).

When the Serbian king Uroš was overthrown by his son Stefan Dragutin, a period of better relations with the northern neighbours ensued. When the danger passed, the chronicler cites 1277 as the year when many new residents, wealthy and with families, came to the city. Some came from the hinterland, and they belonged to different social categories. Some families that were settled in the suburbs were indigenous, while others were new. The city's business opportunities and political stability primarily attracted newcomers from Dubrovnik's immediate surroundings. The book of debts, *Debita notariae*, which was compiled in 1282 by Dubrovnik's notary Tomasino⁴², reveals that many craftsmen took loans, bought houses in the suburb, and started a business⁴³. The late 1270s were a time of great demographic and economic surge in Dubrovnik, accompanied by a

³⁹ G. Čremošnik, ed., *Spisi dubrovačke kancelarije*, vol. I (henceforth: MHR I), Zagreb, 1951, doc. 484, p. 143; J. Lučić, ed., *Spisi dubrovačke kancelarije*, vol. II (henceforth: MHR II), Zagreb, 1984, doc. 1096, p. 269.

⁴⁰ MHR I, doc. 493, p. 149.

⁴¹ Knjižnica samostana Male braća u Dubrovniku, Ivan Mattei: Zibaldone (Memorie storiche su Ragusa raccolte dal Padre Gian Maria Mattei, MSS 433, 434 i 435, vol. I, p. 192; Cerva, I, pp. 272-273; Cerva, *Sacra Metropolis Ragusina*, vol. I, pp. 272-273.

⁴² Voje, *Knjige zadolžnic*, pp. 207-223.

⁴³ Craftsmen that lacked investment capital obtained it through loan or formed cooperatives. Cf. J. Lučić, *Obrti i usluge u Dubrovniku do početka XIV stoljeća*, Zagreb, 1979; Benyovsky Latin, *Obrtnici*, passim.

strong growth of communal administration (statutes, notaries, municipal lease books), and the dynamics of real estate transactions were extremely lively. According to narrative sources, gardens that the city used in the suburb began to be transformed into residential houses, and a new city gate was built to the north (Map 3, N)⁴⁴.

Formation of the platea burghi and municipal leasehold land north of the campus (Placa) before the fire of 1296

At the time of the adoption of the Dubrovnik Statute in 1272, the area of today's main street (Stradun/Placa, r) was still part of the *campus* (and not entirely filled and reinforced terrain), and the main business area was further south (today's Od Puča street, s), a communication route that ran along private lands in the then suburb.

Firstly, on the site of the *campus*, the so-called *platea burghi* was formed in the 1280s – the area extending from the sea gate (Map 3, O) to the Pile gate (Map 3, N)⁴⁵. In the 1280s, this area was slowly transforming into a new business zone owned by the municipality and gradually merged with the square in front of the count's palace. In this period, a new communal square was created, as the count's fort started to transform into the count's palace: the fort had been oriented towards the south (the old communal square and the port), but from the early 1280s, the new structure faced the west, where the new municipal square and the new suburb were in creation.

The wide area of *platea burghi* as well as large parts of the suburb north of it were owned by the municipality, and individual land plots or some communal buildings were given in

⁴⁴ Ragnina, p. 222. According to Peković – Babić, the Pile gate was located next to the tower, in the direction of today's Getaldićeva Street; Peković – Babić, *Razvoj zapadnog ulaza u grad*, p. 215.

⁴⁵ Josip Lučić, ed., *Liber statutorum doane civitatis Ragusii MCCLXXVII*, Dubrovnik, 1989, pp. 393, 440. It is assumed that the eastern city gate was located at the site of the easternmost arch of the passageway near today's city clock. *Elaborat: Blok na Gundulićevoj poljani*, pp. 60-61.

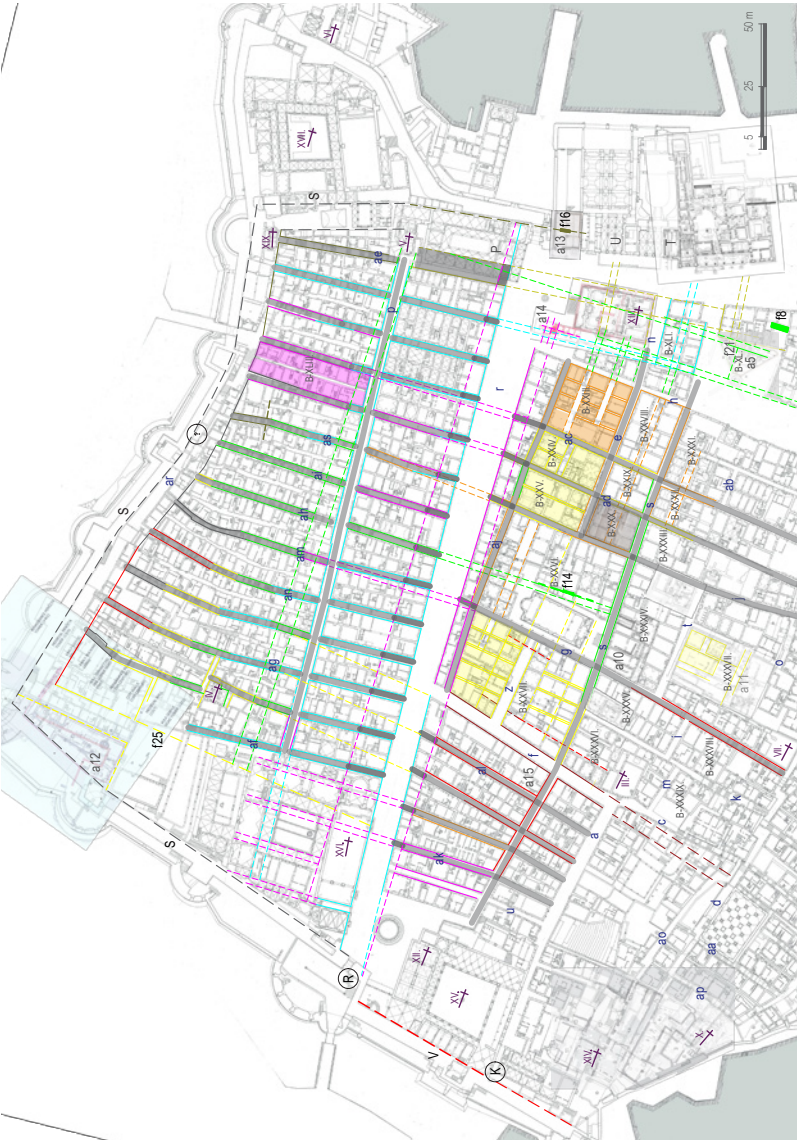
lease⁴⁶. Municipal land (*territorio comunis*) is mentioned in notarial documents from 1278, but it was systematically leased only after 1281/82, which means that it was only then that it was subdivided into smaller construction plots intended for lease. The list of municipal properties from 1282 (written by Tomasino de Savere) was inserted into the newly introduced *Book of Municipal Properties* from 1286. It lists the names of owners of around 170 wooden cottages on municipal land plots (in groups of 22 blocks/rows, Map 3, BI-BXII). It also indicates the new demographic surge – or population policy.

The first blocks (marked as BI-BV, Map 3), are laid in W-E direction along the south line of the *plathea burghj*, and 10 blocks (BXIII-BXXIII) in the northern suburb were laid in the N-S direction, divided by passageways and perpendicular to the line of the northern wall. This suburb, although previously surrounded by ramparts, obtained a new line of fortifications in the 1280s (perhaps the old ones were destroyed in the Serbian attack of 1275), as the danger from the hinterland was still present: the Serbian ruler Stefan Dragutin was overthrown by his brother Stefan Uroš II Milutin (1282-1321)⁴⁷.

The construction of the new ramparts around the northern suburb (encompassing a larger area than before in the eastern part), described in documents from the 1280s, possibly lasted until the fire of 1296. Today the eastern line of the wall (marked in green) is identifiable only in some blocks, but no wall fragment has been discovered. The line of this new rampart influenced the direction of the public streets in this area after the fire of 1296.

⁴⁶ The southern edge of the *platea burghi* was oriented the same as the streets established by the statute (orange), while the northern edge bordering on the *costeria burghi* (p) may not have yet been defined. This transformation of the *platea burghi* into the main street of the city (today's Stradun, r) was completed only after the fire of 1296, in the beginning of the 14th century).

⁴⁷ R. Harris, *Povijest Dubrovnika*, Zagreb, 2006, p. 47; V. Foretić, *Povijest Dubrovnika do 1808.*, vol. I, Zagreb, 1980, pp. 88-89.



Map IV. Suburbs after 1296

The fire of 1296 and its impact on urban order

The period between 1286 and 1294, for which the notarial records are not preserved in continuity, is described in the narrative sources as quite unfortunate for the city. In addition to the problems in the hinterland, the city was struck by an epidemic that allegedly lasted for two years⁴⁸. According to the chronicler Resti, the fire started from the (northern) suburb of St Nicholas (V.) and spread all the way to the old town and the church of St Mary *de Castello* (VIII.). The territory of the archbishopric was also devastated (in the area around the isthmus)⁴⁹.

Although a large part of the suburb was destroyed, it was a turning point in shaping the city in the late 13th century, because it enabled new and modern urban planning (especially of the areas owned by the municipality) according to the state-of-the-art urbanism and residential construction on previously undeveloped or leased land plots. The Venetian count Marino Morosini gathered the Minor and Major Councils in order to pass a provision on the new regulation of the suburb⁵⁰. The statutory provision could most easily be applied to the (largely municipal) area of the northern suburb (the coastal area) and the area northwest of the isthmus (owned by the archdiocese and the municipality) – and that was also the area with no public streets laid out before. Fewer streets were laid out through the privately owned southern suburb due to property relations (the old public streets were also confirmed with this regulation)⁵¹.

New streets in the area of northern burgus (the later *sexterium* of St Nicholas, after the administrative division into *sexteria* in the early 14th century), oriented N-S, were to be regulated according to the new system with double rows of houses (around three fathoms wide), with a canal in between (three spans wide).

⁴⁸ According to the Anonymous chronicler, the city was struck by great famine and plague in 1293 (when the church of St Vitus as the saintly protector against these calamities was built across the Pustijerna gate): Anonymous, 35; Ragnina also mentions the great famine of 1292, which especially decimated the commoners: Ragnina, pp. 222–223; Resti, p. 51.

⁴⁹ Resti, pp. 101–102.

⁵⁰ Arhiv HAZU u Zagrebu, Kodeksi, i c 62/i, f 235; *Sacram Metropolitim Ragusinam Sacra metropolis Ragusina*. f. 261.

⁵¹ DS VIII, c. 57.

The type of spatial units in the northern suburb was equivalent in terms of land plots' position and size. The streets between the double rows were to be 10 spans (2.54 m) wide. At first, only streets north of the *costeria burghi* (later Prijeko street, p) were laid out (on the stable steep terrain on the slope of Mount Srđ) perpendicular to the northern wall built in the 1280s (marked in yellow and green).

After the fire, the construction of the new lines of the city rampart around the northern suburb began, which included the area planned for laying out new streets: in the west the new city wall accommodated the area where the Franciscan monastery was later built. Fragments of the eastern rampart of the northern suburb were found during archaeological excavations as well (Map 2, f 16), and its line southwards would have ended at the count's palace tower (*turris castelli*). The same wall was probably running along the eastern line of today's Sponza Palace, as loop-holes have been discovered at its eastern wall (marked in olive green, Map 2, f 16)⁵².

After this, the suburb on the coastal area was to be finally connected to the rest of the city and the terrain was gradually filled in, enabling the streets south of the previous *costeria burghi* (p) to be extended southwards. The section of these streets had a small deviation (marked in purple) from the previous direction, probably to better connect with the streets to the south. Interestingly, this direction (marked in purple) is the exact middle between the directions of the streets their sections north of *costeria burgi* (marked in green) and the direction of the new eastern city wall one (marked in olive green). Today, this direction (purple) is preserved only in some streets south of Prijeko Street, p (e.g. in Petolovrijenci Street, ai), but it determined the line of Placa street (still retained today on the southern edge, r), which is also evident on the pavement dis-

⁵² The small Onofrio's Fountain from the 15th century was also investigated, which erased an older structure at a lower elevation (Map 2, f 16). To the east of a vaulted room (western zone of the northern nave of the Great Arsenal), remains of a 13th-century city wall were found. Cf. *Elaborat: Dubrovnik – Grad. Zaštitna arheološka istraživanja na maloj Onofrijevoj fontani*, Dubrovnik, 1990 (I. Žile, Zehra Čomor) – encompassing the body of the fountain and the surrounding paving: to the north, the northern nave of the Great Arsenal; to the west, the pavement channel; to the south, the pilaster of the Municipality building; and to the east, the fountain niche.

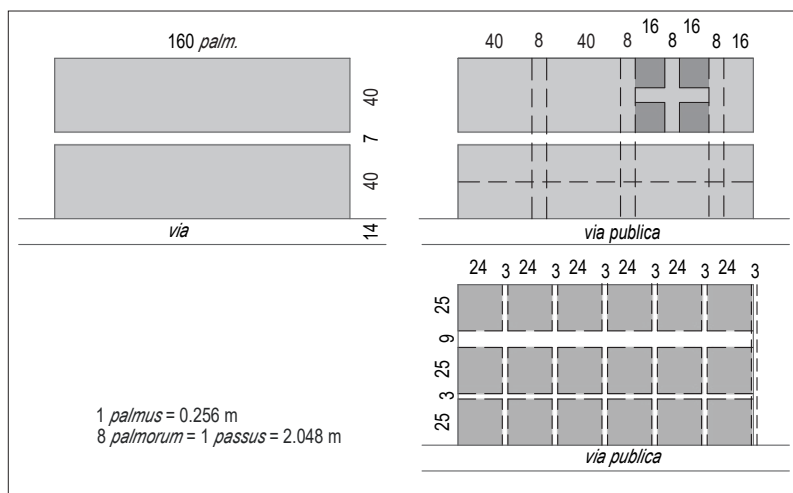


Figure 1.

covered during the archaeological excavations of the loggia (Map 4, f 14)⁵³. Placa street became the new main street only in the 14th century. After the fire, a new main E-W axis designated by the statutory provision of 1296 was a former passageway between the privately owned blocks and the municipal blocks along the southern part of the *plathea burgi* (today's Između polača, aj). According to the statutory provision, its western end had to be redirected (passing over the private lands) to be oriented towards the new western city gate, and it was perpendicular to the streets south of *costeria burgi* (marked in purple). The public and economic activities were thus redirected northwards, but the former main street E-W street south of it (Od Puča, s) was lengthened all the way to the (new) Poor Clares nunnary (Map 4, XV)⁵⁴.

It may be assumed that the newly routed streets in the southern suburb – today's Uska (ad), Kaboge (ac), and Božidarevićeva (g) south of Placa (r) – were also not planned independently of the streets north of them (originally, they were to be «connected» to each other), but kept the old directions of the blocks in this area⁵⁵.

⁵³ *Elaborat: Trg Luža, Dubrovnik. Ispred sjevernog pročelja crkve Sv. Vlaha. Izvještaj o provedenom arheološkom nadzoru*, Dubrovnik, 2019.

⁵⁴ Its line was aligned with the direction of the old (red) passageways.

⁵⁵ KOD, *Izvještaj o arheološkim istraživanjima u vrtu O. Š. «Grad»*; IPU, *Osnovna škola «Miše Simoni» u Dubrovniku*, p. 4; Planić-Lončarić, *Zajednički prostori stambenih zona*, p. 70.

Since, according to the new principle, the size of urban land plots was changed wherever possible (for example, three old plots that were 2 fathoms wide were transformed into two plots of 3 fathoms), the old passageways were not always used for street layout, but their direction was kept. Also, the new streets in the N-S direction were 10 spans wide, not 9 as before, and there were now canals, three spans wide, between the houses. The introduction of additional access lanes (possibly impasse) in the E-W direction may also be reconstructed, which led to the inner courtyards (where there were often private warehouses – for instance in Block XXIII, Map 4, marked in orange). The width of those passageways was similar to that of the new streets, 9 to 10 palms (Fig. 1, block 3), and adjusted to the new size of the houses (about 3 fathoms wide). The new model of streets and houses was not implemented in the entire suburban area south of the *platea burghi*, because land subdivision also depended on property relations. The older model ideally had one-fathom access lanes between the five-fathom land plots, and sometimes an added access through the plot (2 fathoms or 4.096 m was the width of a standard house)⁵⁶.

In the area west of the former isthmus, on the archbishop's (and partly communal) land, 10 municipal houses were to be built. Moreover, 4 new streets were laid out between these houses in the N-S direction, towards the street leading to the church of All Saints (III.). Some streets were laid out by keeping the older directions (marked in red on Map 2), and the new ones were perpendicular to the Placa street. According to the documents, these streets were laid out only after 1318.

The early 14th century was marked by the threat of war and an economic crisis (partially caused by a fire), and the street that was designated by the statutory provision of 1296 as the main communication axis (today's Između Polača, aj) was sold to private individuals in 1304⁵⁷. *Plathea burgi* become the new main street in the early 14th century – now called Placa.

The final stage started with the construction of the Franciscan monastery (Map 4, XVI.) in the second decade of the 14th century, in the area that was added to the northern suburb

⁵⁶ Benyovsky Latin – Ledić, *Posjed obitelji Volcassio*, passim.

⁵⁷ D. Zelić, *Utilitas et lucrum – općinske kuće u srednjovjekovnom Dubrovniku*, in: *Umjetnost i naručitelji: Zbornik Dana Cvita Fiskovića*, ed. J. Gudelj, Zagreb, 2010, pp. 9-24.

after the fire⁵⁸. The new city wall (Map 4, S) was moved to the west to accommodate the area where the monastery was later built⁵⁹, after the decision of 1317⁶⁰. The terrain there was first levelled, and the area was adjusted accordingly⁶¹. Because of this construction, the direction of the northern line of Placa street (r) shifted by about 6.5 degrees in the S-W direction to align with the final western city gate and to detour the monastery (marked in turquoise on Map 4). This is also identifiable in the western end of the south line of the Placa street (south of the Franciscan monastery).

This new direction affected the streets south of the former *costeria burghi*, which became perpendicular to the new northern line of the main street, regardless of the fact that the linear «connection» with the streets further south was lost. The new patron church of St Blasius (Map 4, XIII, designed in 1348) was also planned within these directions, and so was the central area of the block south of it (marked in turquoise on Map 4). The new direction (marked in turquoise) is also identifiable in the block where the church of St Blasius was built in 1348, as well as the block south of it. The western part of the *sexterium* of St Nicholas was not owned by the municipality, and the owners were later expropriated in order to build the monastery, unlike private owners within the street network.

At the eastern end of the new main street (Placa, r), the customs house was built (*Sponza*, Map 4, P), as well as other administrative, military, and economic buildings south of it, such as the city hall (Map 4, U) or the *fonticus* (Map 4, T)⁶². Buildings in this area, from Sponza to the count's palace (Map 4, Z), reflected the

⁵⁸ V. Foretić, *Povijest Dubrovnika do 1808.*, vol. I, Zagreb, 1980, pp. 88-89.

⁵⁹ Velnić, *Samostan Male braće u Dubrovniku*, pp. 105-110; HR-DADU 460, Obitelj Beritić 1.2.2., box 10, doc. 113 (unnumbered); *Libri reformationum*, vol. 2, p. 313.

⁶⁰ The old Franciscan monastery was located outside the walls and was allegedly destroyed in the attack of the Serbian king (together with the old church of St Blasius, the patron saint of the city).

⁶¹ According to chroniclers, the new municipal houses on Placa were threatened with collapse as early as 1331 due to the swampy terrain, so they had to reinforce the foundations and build stone houses. Resti, p. 390; A. Ničetić, *Povijest dubrovačke luke*, Dubrovnik, 1996, pp. 66-69.

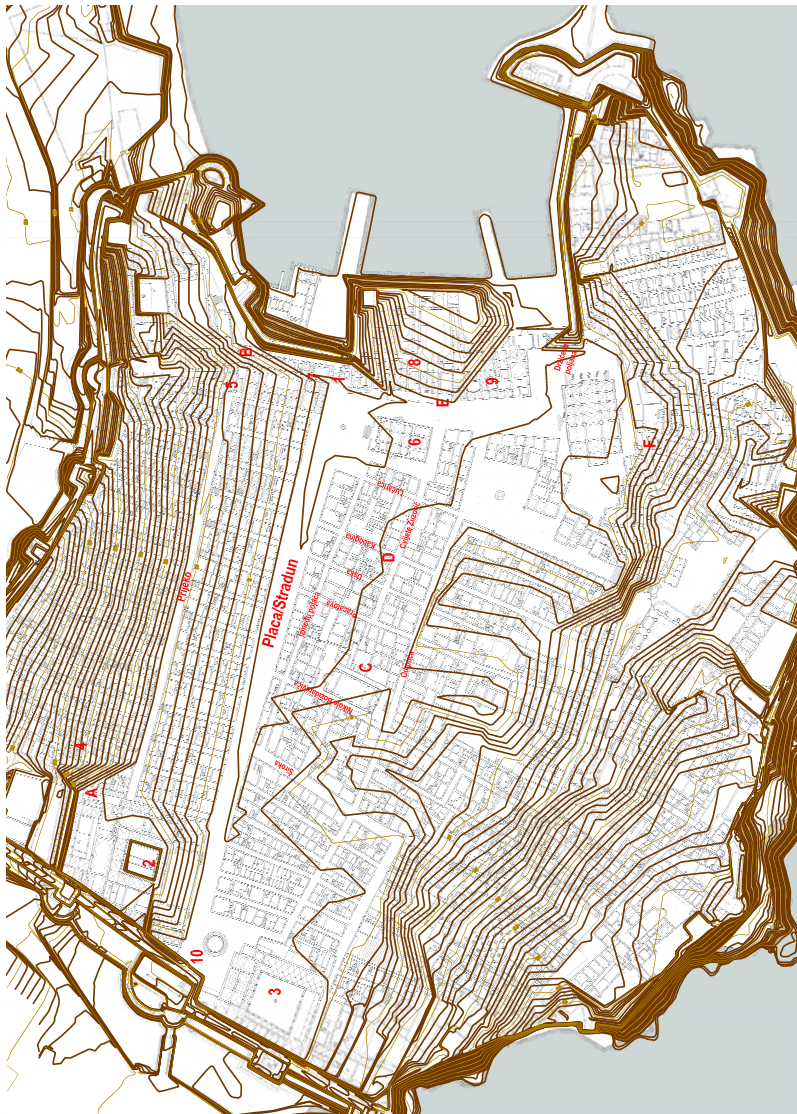
⁶² The first hall for the city council was mentioned in the beginning of the 14th century, but first as a part of the *fondaco* adjacent to the count's palace.

desire to create prominent buildings facing the new centre of the city, while the fortification character was retained towards the sea. Until the end of the Venetian administration in 1358, and especially before the construction of the final stretch of northern ramparts at the turn of the 14th century, the count's palace was treated as a fortress. It was gradually opening up towards the new suburb and the public square to the west and came to form the «administrative quartier» of the city together with other administrative (chancellery) and economic buildings (customs office, *fonticus*, arsenal). The count's palace remained protected by fortifications towards the port.

Dubrovnik began building stone communal houses along the main street in the late 1320s (BI-BV), and their shape was adapted to the space between Placa street (r) and the former main street (Između polača, aj). The decision of 1333 explicitly stated that these houses were built for merchants⁶³, which can be partly related to the construction of the new arsenal built for the galleys in 1329. This was a very important decision concerning the Venetian galley convoys that were to stop in Dubrovnik on their military or commercial voyages to the Levant. The Venetian counts certainly had instructions to adapt the city to serve Venice's international trade, both maritime and transit with the hinterland. During the first half of the 14th century, the counts of Dubrovnik were patricians who were also the rectors of Chioggia, Koper, and Zadar, important trade centres and cities of strategic importance for Venice in the Eastern Adriatic. During the time of Doge Soranzo, a stable system of commercial convoys (*mudae*) was established. Networks turned local trade into international and transit, which also affected the development of cities. The specific circumstances of each city and the needs of the local elite primarily influenced this development, but also some common elements such as arsenals, customs offices, etc. appear in cities under Venetian rule.

Later, a separate building was built for the city hall next to it. In 1344, there is a reference to the new hall of the Major Council, with painted interior.

⁶³ I. Benyovsky Latin – Z. Pešorda Vardić – I. Haničar Buljan, *Antunini na Placi: prostorni razmještaj članova Bratovštine sv. Antuna duž dubrovačke Place u 15. stoljeću*, «Povijesni prilozi» 37 (2018), pp. 70-71; Zelić, *Utilitas et lucrum*, pp. 9-24; Benyovsky Latin – Zelić, *Dubrovački fond općinskih nekrenina*, pp. 36, 144.



Map V. Dubrovnik map with isolines

In 1358, Dalmatian towns surrendered to Hungarian-Croatian king Louis of Anjou, and in the same year the Treaty of Zadar was signed, according to which Doge Giovanni Dolfino renounced the title of duke of Dalmatia and Croatia. Dubrovnik also acknowledged the king, and a special agreement was signed (the Visegrad Treaty), so the counts of Dubrovnik were now local noblemen, unlike the counts of Dalmatian cities. The city used the king's protection and good relations with him to fos-

ter their own independence, seeking alliance only as needed, ad hoc. In the second half of the 14th century, the complex of the Rector's Palace in Dubrovnik was created, combining the old Count's Palace and the City Hall. In 1395, the palace was referred to as *atrium residence domini rectoris Ragusii*. The commune of Dubrovnik expanded its territory through influence, diplomacy, and financial investments⁶⁴. All this led towards the formation of the Republic of Dubrovnik as a de facto independent aristocratic republic, which lasted until the beginning of the 19th century⁶⁵.

The golden age of Dubrovnik spanned the 15th and 16th centuries, but even later the city was still strong enough to recover after the catastrophic earthquake of 1667. New, Baroque architecture changed the visual identity of the city after the Great Earthquake, but houses and palaces, often encompassing several old land plots, were most often aligned with the medieval layout of streets and blocks⁶⁶. Regardless of the major changes and despite various constructions and interventions, Dubrovnik has basically preserved its medieval urban structure, which is just as valuable for this research as the written sources.

Conclusion

The period when Dubrovnik was under Venetian rule was a very dynamic period in the city's history. It experienced significant political and social changes, transforming into an important port and economic centre in the southern Adriatic. By the mid-13th century, the suburb had become an attractive place of residence for some of the richest (both new and local) Dubrovnik families (mainly noble, but also rich commoners and

⁶⁴ While under Venetian rule, in 1253, it extended from Zaton to Cavtat, and by the end of the 14th century the area was expanded to the west (the islands of Lastovo and Mljet, the Pelješac peninsula with Ston, and Primorje (Terrae nove), and in the 15th century, it rounded off its territory in the east (Konavle).

⁶⁵ Unlike the rest of the Eastern Adriatic that was again under Venetian rule, form the first half of the 15th century until the fall of Venice.

⁶⁶ Horvat-Levaj, *Barokne palače*, pp. 25, 29-32; Prelog, *Dubrovački statut*, pp. 81-94.



Map VI. Eastern Adriatic in the 13th and 14th centuries

various institutions). The area also had great economic potential due to its proximity to the new political, economic, and administrative centre. Rapid population growth resulted in an increased demand for housing and the expansion of the boundaries of the old city. The city almost tripled in size, and the process included planned long-term projects such as filling in the swampy area that divided the old town on the peninsula from the coast, and (re)organizing the (new) suburban land.

Several phases of expansion beyond the city core have been identified: first to the blocks below the ramparts (as early as the pre-communal period) and then to the suburbs – filling in and levelling the ground where necessary. The terrain was first filled in west of the port, in the area of the late antique castrum, which was probably extended to the north. In the first half of the 12th century, a new cathedral was built on the site of the old basilica, and at the end of the century, the church of Holy Saviour *de paludo* was built north of the cathedral. A Byzantine fortress (*turris imperialis*) was probably located in the N-E section of the castrum, and a new suburb evolved west of the castrum. Regular structures can be identified in the area between today's Lučarica and Pracatova (where a wall with loopholes has been found). At the end of the 12th century, a new church of All Saints was

built (on the site of the old Domino church) to the north of the western city gate, also on filled-in terrain, and another suburb evolved in the isthmus area (around today's Široka Street). The terrain east and west of the isthmus was gradually filled in (in the 12th century probably only up to the line of today's Gučetićeva t / Za Rokom, a).

After filling in the ground, the first communication routes were established to connect the castrum with the area around the western city gate. With their newly traced direction, they connected two different suburbs. In the 13th century, filling in continued north of today's Gučetićeva Street (t), primarily between the isthmus and the castrum (Z), and in the 1250s, that area was surrounded by a rampart and divided into large land blocks. According to the chroniclers, the area west of the isthmus and north of today's Rokova (a, on the site of the later Poor Clares nunnary, XV.) was filled in only in the 1260s, after which it was surrounded by a new line of ramparts and integrated into the city. According to the chroniclers, in the 1260s, the coastal settlement was also surrounded by a rampart and began to be perceived as a new, northern suburb, separated from other parts of the city and suburbs by a field. The next phase was related to the regulation of suburban streets included in the Statute from 1272. Public streets turned the suburban area between today's Široka (f) and Lučarica (h) into «another, new city», connecting it with the city core and other suburbs. The process of urbanization in this area was accelerated by the subdivision of large land blocks, which was the result of population influx as well as urban planning undertaken by the municipal and central authorities. The public street network was a sign of communal control over the area and the transformation of large blocks into smaller units – urban plots.

The (new) direction of these new streets additionally interconnected the different parts of the suburbs and the new urbanogenic points. This process was accompanied by the implementation of new legal regulations and the beginning of communal administration. The organization of new suburbs meant providing housing and security to the citizens, meeting their economic needs, and establishing communal control over urban land, i.e. planned population policy pursued by both the municipal and the supra-local (Venetian) authorities. Spatial analysis has shown that in addition to the introduction of public

streets, this regulation was intended to equalize different directions and connect the western and eastern suburbs into a whole by establishing communication routes that interlinked the new urbanogenic points in the city. The new residential-economy zone of the suburbs was to be legally and functionally regulated, so accordingly there were new provisions on the construction and use of buildings. The previous rules, some of which were considerably older than the statute, were standardized and systematized in 1272, legalizing the existing situation if it was in accordance with the new rules, and intervening only where it was necessary to establish communal control. The final phase in urban design took place after the fire in 1296, when the new statutory regulation foresaw laying out new streets. The decree from 1296 aimed to connect the suburb south of Placa with the northern one (St Nicholas).

The directions of some communication routes changed due to the altered relationship between the centre and the periphery, but the provision also introduced a new system of land division, different than the model from the mid-13th century (regarding the size of houses and canals, and the width of streets). Some of the new streets were created soon after the fire, but most of them only in the first half of the 14th century, when Placa was transformed into the main street, its northern edge was additionally filled in, and the Franciscan monastery was built. The initial direction of the streets in Priješko changed as well. In the researched period, the relationship between the centre and the periphery was significantly altered as the former suburbs were transformed into the new city centre.

Based on the written sources, results of archaeological research, and conservation studies, and by comparing them with the appearance of today's cadastral units and floor plans of today's buildings, it is possible to trace the stages in planning Dubrovnik's suburbs from the early Duecento. The regularity of certain communication routes, directions, and land plots leads to the conclusion that even before the regulations of the streets recorded in the statutes of 1272 and 1296, the suburbs were planned – communication routes were laid out and passageways were traced between the land plots. This division of land was probably based on an imported, contemporary model or on older local examples, modified according to the terrain and the new needs, the inherited architectural heritage (existing structures

and communication routes), and property relations (it was easier to implement the new plan on municipal land, but there were also interventions in private property if it was for the «common good», for example the construction of ramparts).

This complex process resulted in changed sizes of blocks, the introduction of new communication routes and the redirection of old ones, the construction of new lines of walls, and so on. At the turn of the 14th century, this long-term «work-in-progress» culminated in the unification of different suburbs and their final connection with the old town. The dynamic urban planning led to intense residential mobility and a completely changed relationship between the centre and the periphery.

ROSA SMURRA

“...ipsum studium perpetuo in civitate Bononie
ut thesaurum pretiosissimum conservare”.

*The relationship between the urban order and the university
in Bologna (12th-15th centuries)**

Abstract: *This article examines the discourses on urban order and its relationship with the medieval university (Studium), starting from the imperial constitutio promulgated by Frederick Barbarossa (1155), which provided forms of protection for students and magistri who had moved away from their place of origin for the purpose of their studies, through various normative texts produced up to the last communal statutes of Bologna (1454). In particular, the article focuses on the civic statutes as an instrument of order and an expression of municipal autonomy vis-à-vis other powers, such as the imperial one, from which an analysis of the relationship between urban order and the university cannot be separated.*

Keywords: *Medieval Bologna; Studium; University community; Urban order; Civic statutes.*

Introduction

In Bologna, the *Commune*, as an autonomous political entity, and the *Studium*, as the University was initially known, have been co-actors in the institutional and cultural spheres since the twelfth century. These two protagonists were accompanied by a third one, the Church, which played a fundamental role¹. However, this paper focuses on the relationship between the city authorities and the *Studium* and, within this relationship, seeks to examine the discourse of urban order in a particular category of sources, the city

* I would like to thank the reviewers for their careful reading of the manuscript and their valuable comments.

¹ L. Paolini, *La chiesa e la città (secoli XI-XIII)*, in *Storia di Bologna*, 2. *Bologna nel Medioevo*, cur. O. Capitani, Bologna 2007, pp. 653-759.

statutes, which include numerous provisions regulating the *Studium*. From the twelfth century onwards, the written word rapidly became an indispensable tool in urban communities for regulating political, legal and economic life². The statutes can be seen as a mirror, albeit a distorted one at times, of the urban order that the city government of Bologna was constructing in its various phases. Like many medieval cities, Bologna retained various redactions of its statutes, and since its first compilation, the *Commune* enacted regulations providing evidence of a keen interest in maintaining the presence of the University in the city, given the prestige and economic benefits associated with the influx of students. It is well known that medieval universities were unprecedented institutions that emerged in Europe mostly in the 13th century³. As Jacques Le Goff pointed out almost 70 years ago in his seminal study of intellectuals in the Middle Ages, “le XIIIe siècle est le siècle des universités”. However, even though there were a number of cities that were already university towns, their spatial dimension remains elusive, and in recent years the objection has been raised that the university occupies a secondary place in the concerns of urban historians⁴. In the case of Bologna, the situation seems to be different, given the impressive bibliography produced since the 18th century, which received a notable impulse in 1888 with the celebrations of the eighth centenary of the Bolognese *Studium*, whose inception is conventionally dated to 1088. Beyond the spatial dimension, still elusive for the Middle Ages⁵ but more tangible for the modern period⁶, there are areas where research can contribute,

² J. W. Busch, *Nuove ricerche sui più vecchi statuti lombardi*, in *Legislazione e società nell'Italia medievale. Per il VII Centenario degli Statuti di Albenga*, Bordighera 1990, pp. 287-290, at p. 288.

³ J. Verger, *Patterns*, in *A History of the University in Europe*, I, *Universities in the Middle Ages*, cur. H. de Ridder-Symoens, Cambridge 1992, pp. 35-74.

⁴ F. Bourillon, N. Gorochof, B. Noguès, L. Vadelorge, *Introduction. Espaces universitaires et urbains, une histoire dans la longue durée*, in *L'université et la ville*, cur. L. Vadelorge, F. Bourillon, B. Noguès, N. Gorochof, Rennes 2018, <<https://books.openedition.org/pur/168667?format=toc>>.

⁵ It is by no means easy to locate all the classrooms, as each lecturer made his own arrangements for renting lecture halls, cfr. F. Cavazza, *Le scuole dell'antico studio Bolognese*, Milano 1896.

⁶ See the papers in *L'università e la città: il ruolo di Padova e degli altri Atenei italiani nello sviluppo urbano*, cur. G. Mazzi, Bologna 2006.

and one of these concerns the urban order as a significant factor in the history of the University.

In order to discuss the relationship between the University and the urban order, this paper examines city regulations as an ordering instrument and an expression of municipal autonomy in relation to other powers such as the imperial authorities, from which an analysis of the aforementioned relationship cannot be separated. It is not surprising that all the statutes contain a significant number of provisions relating to the *Studium*, which shows how important it was for the Bolognese urban order to clarify the terms of the relationship. The relationship between the urban order, which was created and changed by the *Com-mune* over the years, and the various phases of development and transformation of the *Studium* shows how the presence of the community of scholars within the city was essential to the urban order. To this end, after referring to the imperial constitution, the present study will be based on an analysis of the statutes from the first half of the 13th century, considering the numerous drafts of the following century, until the middle of the fifteenth century (1454). This is a considerable documentary corpus constructed in part under the influence of the local law school, i.e. the professors of the *Studium*.

The prestige and standing of the city of Bologna were greatly connected with the growth of the *Studium*, as evidenced by the presence of thousands of students, the majority of whom came from other parts of Italy and Europe. The *magistri* and *scolares* formed an important community that was of primary importance for the Bolognese economy⁷. Acutely aware of their role, *magistri* and *scolares* never missed an opportunity to assert their position and defend their privileges. The most common tactic adopted by the students was to threaten to leave the city *en bloc* with their professors. Some of these “migrations” gave rise to other seats of learning in other Italian cities during the 13th century, some of them lasting until the present day, such as that in Padua, while others were ephemeral. Bologna tried to put a stop to this exodus and, from the end of the 12th century, began to strengthen the relationship between the professors and the city.

⁷ A. I. Pini, *Lo Studio: un faro culturale per l'Europa, un volano per l'economia cittadina*, «L'Archivio di Stato di Bologna» (1995) pp. 71-76, reissued in Id., *Studio, università e città nel medioevo bolognese*, Bologna 2005, pp. 279-287.

One famous instance is that of the oath sworn by the law professor Lotario da Cremona in 1189: he had not only to swear ‘non regam scholas legum in aliquo loco’ (I undertake not to teach in schools elsewhere) but also to give ‘consulibus et potestati qui pro tempore erunt, bona fide consilium et adiutorium de omnibus’ (advice in good faith to consuls and chief magistrates in office)⁸. The oath carried with it the obligation to provide legal expertise when requested. This is just one of the first of many cases in which evidence is found of the collaboration between the city government and a law professor. The contribution of the *Magistri* of the *Studium* to the administrative and political life of the Bolognese city government, albeit in phases of varying intensity, is characteristic of the institutional history of medieval Bologna. There was no shortage of tensions and hostility, but there were also convergences and periods of collaboration, and overall the link created between the University and the city was strong, so much so that one could speak of an indissoluble symbiosis. But what discourses were used to support this relationship or, in certain cases, to undermine it? How did the city authorities interfere with the autonomy of the medieval University? Which issues stand out most clearly in the examination of two centuries of successive statutes? Analysing some of the rubrics of the municipal statutes, an attempt will be made to analyse the provisions and the regulations, which were intended to be given wide prominence and which in 1288 were collected in one volume, the eighth book, known as the *tractatus scolarium*.

The relationship between the Commune and the Studium through the lens of normative sources

Given that the dynamics of the *Commune* of Bologna are inextricably linked to the emergence and development of the University, there is a need to consider the relations between the two institutions in the light of the discourses in the legislation. This means examining the set of norms, embodied in the city’s statutes, shaping the coexistence of the members of the urban

⁸ Chartularium studii Bononiensis: *documenti per la storia dell’Università di Bologna dalle origini fino al secolo XV*, I, ed. L. Nardi, E. Orioli, Imola-Bologna 1909, pp. 3-4.

community, in which the diverse university community, made up largely of foreigner students, played a prominent role. The presence of these scholars is particularly significant in one of the most significant episodes in the early stages of the development of the University, predating the first city statutes laying down the boundaries in the relationship between the city and the University. The founding act is the constitution promulgated by Emperor Frederick Barbarossa in 1155 in favour of *magistri* and *scholares*, especially professors of civil law and lay scholars, since the clergy as such enjoyed special privileges in jurisdictional and fiscal matters⁹. At that time, higher education/teaching activities in the urban environment were still in a state of flux. The status of professors and students from other countries in this context was not well defined, hence the need for protection. In addition to protective measures, another aspect of the constitution to be considered is the enhancement of knowledge-related activities. Frederick's constitution promoted freedom of movement for professors and students. Frederick's *erga omnes* privilege for professors and students of Roman and canon law¹⁰, known as *Authentica Habita*, was included among the constitutions in Book IV of Justinian's *Corpus Iuris* (IV, 13, 5), as if to place it, like the *Novellae*, as a continuation of Roman imperial legislation¹¹. It became the legal basis, not just for the community of scholars in Bologna, for the development of freedom of movement, especially for the repression of the *perversa consuetudo* against the professors and students in Bologna. This *perversa consuetudo* was the widespread practice of reprisal, by which an offender from an overseas community made all the scholars from his country of

⁹ Teachers of the liberal arts and medicine were initially excluded from public functions by virtue of the *lex Medicos* in the last three books (X, XI, XII) of Justinian's Code. Mainly dedicated to administrative and tax law, they came back into circulation around that time (mid-12th century); cfr. P. Nardi, *Gli Studi generali e la formazione degli statuti universitari medievali*, in *Statuti universitari: tradizione dei testi e valenze politiche*, cur. A. Romano, G.P. Brizzi, Bologna 2007, pp. 49-59.

¹⁰ A. Gouron, *De la constitution «Habita» aux Tres libri*, in Id., *Juristes et droits savants. Bologne et la France médiévale*, Aldershot 2000, pp. 189-199.

¹¹ See Frederici I, *Imperatoris, Privilegium scolasticum*, ed. G.H. Pertz, *Monumenta Germaniae Historica, Leges*, II, Hannoverae 1837, p. 114, and P. Kibre, *Scholarly Privileges in the Middle Ages. The Rights privileges and immunities of scholars and university of Bologna, Padua, Paris and Oxford*, London 1961.

origin liable for his offences, which could be either unpaid debts or even serious crimes. For example, the Bolognese creditors of a foreign merchant who had not paid his debts could collect them from his fellow countrymen, including students. The constitution decreed that “the violators of the constitution and the local administrators in office at the time shall be required to return four times the amount of the stolen goods, and *ipso iure* shall be decreed the note of infamy, with perpetual disqualification from their office”. Evidently, the local authorities were called upon to enforce this law. In the period from 1151 to 1155, there was only one rector in Bologna, Guido da Sasso, *rector et potestas*, son of a vassal of Matilda of Canossa, who came from Reggio Emilia and had recently moved to the city. His duties were partly the same as those of the *Podestà* in the 13th century. In judicial matters, Guido was assisted by the four *doctores* who were pupils of Irnerio: Ugo, Jacopo, Martino and Bulgaro¹². The protection provided by Frederick’s constitution for those travelling from their countries of origin to seats of learning, and the other privileges it contained, encouraged a further influx of students. In addition, the various sovereign powers - kingdoms, territories and cities - adapted the *Habita* of Frederick to their needs.

The Studium into the urban order of the civic statutes

The government of Bologna soon took steps to adopt university regulations in its own urban order, as if to emphasise its distance from the imperial legislation. In fact, before the 13th century, it had already intervened against the freedom of the *Studium*, as shown by the above-mentioned oath imposed on professors. But if the professors, most of whom were from Bologna, were forced to submit to the impositions of the *Commune*, the students - who, as we have seen, were mostly from other countries - effectively countered these impositions with a reform of the student body. While they had initially joined forces with the professors, they later separated from them. This strategic fragmentation of the organisation of the *Studium* led to the set-

¹² M. Vallerani, *Ufficiali forestieri a Bologna (1200-1326)*, in *I podestà dell'Italia comunale. I. Reclutamento e circolazione degli ufficiali forestieri (fine XII sec. - metà XIV sec.)*, cur. J.-C. Maire Vigueur, Roma 2000, pp. 289-309, at pp. 290-291.

ting up of the *Universitas scholarium*, that is, the formation of two university bodies (communities of students) of the *Citramontani* (Italians) and the *Ultramontani* (non-Italians), with the latter in turn subdivided into *nationes*¹³. While the Imperial Constitution and, shortly afterwards, the study of Canon Law undoubtedly contributed enormously to the increase in the number of students, the *Commune* of Bologna, in the first quarter of the 13th century, took the lead in measures to support and recognise student organisations, on condition that they undertook not to pursue their studies elsewhere¹⁴. Dating back to 1216, it was one of the first regulations passed by the *Commune* to provide effective solutions to what was perceived as a problematic situation¹⁵. The term *studium* appears there, a term that, as Mario Bellomo points out, “was to have immense fortune, and seems to be a word that begins to be used in the years between the end of the first decade and the second decade of the 13th century”¹⁶. Later the discussion will return to this provision in more detail. By the early 13th century, students and professors had become stronger within the urban community and systematically threatened to leave the city in periods of conflict with the *Commune*. This happened on at least three different occasions in the first quarter of the century: in 1204 the students and their professors relocated to Vicenza¹⁷;

¹³ G. Rossi, *Universitas scholarium e comune (sec. XII-XIV)*, in *Studi e Memorie per la storia dell'Università di Bologna*, n.s. 1, Bologna 1956, pp. 173-266, at p. 184.

¹⁴ Ivi, pp.178-179. P. Nardi, *Gli Studi generali e la formazione degli statuti universitari medievali*, in *Statuti universitari: tradizione dei testi e valenze politiche*, cur. A. Romano, G. P. Brizzi, Bologna 2007, pp. 49-59, at p. 55.

¹⁵ *Statuti di Bologna dall'anno 1245 all'anno 1267*, ed. L. Frati, II, Bologna 1869, Book VII, Rubric XI, p. 25: «de secta vel compositione pro transferendo studio ad aliquam civitatem», the provision should be dated 1216 (and not 1217) according to Rossi, *Universitas scholarium e comune (sec. XII-XIV)* cit., p. 206.

¹⁶ M. Bellomo, *Statuti universitari come proiezione di poteri distinti. Prospettive di ricerca*, in *Statuti universitari: tradizione dei testi e valenze politiche* cit, pp. 35-47, quotation in Italian is at p. 38.

¹⁷ Among the professors who relocated to Vicenza on that occasion, the expert in civil law Cacciavillano (fl. 1189-1209), the canonist Menendo, and the famous master of *ars dictandi* Boncompagno da Signa, cfr. G. Arnaldi, *Scuole nella Marca Trevigiana e a Venezia*, in *Storia della cultura veneta dalle origini al Trecento*, I, Vicenza 1976, pp. 350-386, at pp. 378, 382-384.

in 1215 to Arezzo¹⁸; and in 1222 to Padua¹⁹. In 1219, Pope Honorius III granted the Archdeacon of Bologna the power to grant students the *licentia docendi*, that is the right to teach anywhere, indirectly subordinating the University to the Church²⁰.

It is now worth examining the city legislation more systematically, by means of a comparison of several rubrics from different periods but with similar provisions. As Nicoletta Sarti has pointed out, the Bologna statutory “pattern” has a bipartite organisation that can be summarised as follows: the first corpus of regulation, relating to the political-constitutional framework, is generally the focus of the first three books²¹, the second corpus, of a preceptive and sanctioning nature, relates to civil and commercial law - where it differs from the *iura communia* - as well as to procedures strongly linked to local conditions. This second corpus, the nucleus of the city legislation, contains most of the regulations concerning the university. The author highlights that it is precisely this second corpus that is

highly exportable from one compilation to another, as it is consolidated, viscous and impervious to political contingencies [...] it is a guarantee of continuity and social stability and, from a legislative point of view, it facilitates the rapid succession of city statute compilations²².

Among the 156 rubrics in book VII of the first surviving mid-13th-century city statute that attempted to reformulate the previous regulations, 12 rubrics in close succession regulate the

¹⁸ Roffredo da Benevento moved to Arezzo for a certain period of time: 1215-1218/1220.

¹⁹ On student migration, see Rossi, “Universitas scholarium” e comune (secc. XII-XIV) cit.

²⁰ L. Paolini, *La figura dell'Arcidiacono nei rapporti fra lo Studio e la Città*, in *Cultura universitaria e pubblici poteri a Bologna dal XII al XV secolo*, cur. O. Capitani, Bologna 1990, pp. 31-71; P. Nardi, *Le origini del concetto di “Studium generale”*, in *L'università e la sua storia: origini, spazi istituzionali e pratiche didattiche dello studium cittadino*, cur. P. Renzi, Arezzo 1998, pp. 29-58, at pp. 39-40.

²¹ Exceptions are the statutes of 1288.

²² N. Sarti, *Il paradigma politico degli statuti bolognesi nel basso medioevo*, in *Honos alit artes. Studi per il settantesimo compleanno di Mario Ascheri*, cur. P. Maffei, G. M. Varanini, II, Firenze 2014, pp. 133-140, quotation from p. 140 (our translation).

presence of the *Studium* in Bologna²³. It should be noted that they are placed immediately after the rubrics dedicated to *milites* and their horses. The importance of this pairing in medieval society is well known²⁴, but what needs to be stressed here is that the compilers of these mid-thirteenth-century statutes considered it appropriate to place immediately after the rubrics on the mounted militia those on the *scientia iuris*, thus achieving a juxtaposition between the military and *leges*, expressing a concept of an urban order also based on the equation between urban militia and legal professionals, the protagonists in the rubrics that follow²⁵. An overview of these dozen or so rubrics shows that at least half of them consist of norms designed to prevent the exodus of the Bologna *Studium* (by oaths for professors, and sanctions for those conspiring to transfer the *Studium*); the other half consists of rubrics mostly relating to the privileges for professors and students, while one rubric relates to the duties of the stationers or printers, key figures in the production and sale of textbooks in the medieval university. This policy, albeit with some variations, can be found in all the redactions of the Statutes. Thus, the subjects covered do not change much, but it is worth considering at least one of them, which appears in more than one rubric in each statute. In addition to taking an oath, the *domini legum* were required to “curare quod studium bona fide in hac civitate augeatur”²⁶. They were to act with fairness and honesty to promote the development of the *Studium* in Bologna. The pursuit of the public good is explicitly addressed in the prescriptive language of the following rubric, prohibiting Bolognese citizens from following students who leave the city to study elsewhere: “Et quia

²³ *Statuti di Bologna dall'anno 1245 all'anno 1267* cit., Book VII, Rubrics V-XVI, pp. 22-29; very few others are found in other parts of the statutes, for example, Rubric XCVI, p. 101.

²⁴ J.-C. Maire Vigueur, *Cavalieri e cittadini. Guerra, conflitti e società nell'Italia comunale*, Bologna 2004.

²⁵ On the juxtaposition between urban militia and *scientia iuris* in particular in the work of Rolando da Lucca, a judge known to Bolognese glossators such as Azzone and Accursio, see S. Menzinger, *Verso la costruzione di un diritto pubblico cittadino*, in E. Cortese, S. Menzinger, *La Summa Trium Librorum di Rolando da Lucca (1195-1234). Fisco, politica, scientia iuris*, Roma 2012, p. CXXXI.

²⁶ *Statuti di Bologna dall'anno 1245 all'anno 1267* cit., Book VII, Rubric VI, p. 23.

publice utilitati novimus expedire statuimus quod nullus civis vel habitator huius civitatis vadant post scolares qui de Civitate recesserunt pro studio aliquo faciendo". It further states that it is a statute of 1204, during the first *podesteria* of the Milanese Guglielmo da Pusterla, and it lays down the sanction of exile and the confiscation of all property for those who violate it²⁷. As in many other cases, a reward was envisaged for the accuser, in this case 100 pounds, a substantial amount since it was more than enough to buy a house²⁸. The pursuit of the public good, invoked to justify the severity of the sanction for offenders, is therefore to keep the *Studium* in Bologna. This measure, which clearly restricted freedom of movement, was intended as a means to prevent the emigration of students, but it does not seem to have been particularly effective. In fact, a few years later, in 1216-17, the *Commune* promulgated a statute which imposed a perpetual ban and confiscation of property - half of which was to go to the accusers - of anyone, including students, who did "sectam vel conspirationem pro studio transferendo a civitate Bononie ad alium locum"²⁹. The combination of the terms 'sect' and 'conspiracy' is to be found in a number of other rubrics of the 1245-67 statutes, in this context they are used to refer to

²⁷ Ivi, Rubric VII, p. 23.

²⁸ G. B. Salvioni, *Il valore della lira bolognese dalla sua origine alla fine del secolo XV*, Bologna 1902 (ed. or. in «Atti e memorie della Regia Deputazione di storia patria per la Romagna», III s., v. 14).

²⁹ *Statuti di Bologna dall'anno 1245 all'anno 1267* cit., Book VII, Rubric XI, p. 25. (Si quis inventus fuerit facere vel fecisse amodo sectam vel conspirationem pro studio transferendo a civitate bononie ad alium locum perpetuo banniat, et omnia eius bona que Bononie habuerit publicentur quorum medietas accusanti detur. Item si quis scolaris vel alius aliquem scolarem aliquo modo vel ingenio astrinxerit ut ei possit precipere de ducendo de civitate ista causa studii banniat, et eius bona que Bononie habuerit vel in eius districtu publicentur, quorum medietas sit accusantis). Transl.: If anyone is found to be making or having made henceforth a sect or conspiracy for the purpose of moving the *Studium* from the city of Bologna to another place, he shall be perpetually banished, and all his property that he owns in Bologna shall be confiscated, of the which half will be given to the accuser. Furthermore, if any student or other individual forces any student in any way or with any ingenuity so that he can force him to leave the city for study purposes, he will be banished and his property that he owns in Bologna or in its district will be confiscated, half of which shall be given to the accuser.

plots to undermine the stability of the *Studium*. The term “conspiracy” is derived from the Latin words “con” and “spirare”, meaning “to breathe together”. In legal terms, a conspiracy is an agreement between two or more individuals to commit a crime and generally refers to an act committed by unlawful means. Moreover, by using the terms *secta* and *conspiratio*, which can have a subversive and anti-state connotation, the civil authorities intended to emphasise that the transfer of the *Studium* was a threat to urban order and society, and as such should be repressed with a harsh system of penalties and fines. Since the terms *secta* and *conspiratio* were intended to evoke the enormous threat to urban order, intelligence measures such as reports to the law enforcement authorities were consequently envisaged, with the population encouraged to provide information in return for a monetary reward³⁰.

Urban order, factionalism and the University

In October 1288, new statutes consisting of twelve books were presented. As pointed out by Gina Fasoli, “they represent the conclusion of the Bolognese legislative work of the 13th century, the merging, the coordination of the ancient elements into a profoundly original complex”³¹. The 1288 redaction of the civic statutes is considered the most important normative achievement of the *Popolo* government, a political regime that developed from the second half of the *Duecento*, followed by the struggle against the magnates and in particular that between Geremei and Lambertazzi (the local Guelph and Ghibelline parties respectively), the civil wars of 1274, and the banning of the Lambertazzi in 1277. As noted above, in order to give them as much prominence as possible, an entire book, the eighth, was dedicated to the provisions and privileges of the *Studium*, which, according to Augusto Gaudenzi, date back to 1274, immediately after the civil war, which not only led to the expulsion of thousands of Ghibellines, but also to the devastation of the *Studium*

³⁰ *Riferire all'autorità. Denuncia e delazione tra Medioevo ed Età moderna*, cur. M. G. Muzzarelli, Roma 2020.

³¹ G. Fasoli, *Prefazione*, in *Statuti di Bologna dell'anno 1288*, edd. G. Fasoli, P. Sella, 2 voll., Città del Vaticano 1937-1939), pp. V XXVII, at p. XI.

and significant exodus of professors and students from the city³². It is important to recall that these statutes were the product of the *Popolo* regime, that is, a government that had emerged from a significant change in power structures, with the marginalisation of a number of noble lineages and the appearance on the political scene of new family groups that had significantly improved their economic and social situation through commercial activities, banking, crafts and the legal professions³³. In the early 1270s, the *Popolo* did not hesitate to issue decrees against the nobles or magnates, triggering conflicts and violence that culminated in civil war and the expulsion of the losing party (Lambertazzi). The political programme of the *Popolo*, whose members benefited greatly from the presence of students and professors, provided for the enactment of legislation to support the *Studium* and remedy the losses caused by the expulsions. Among those who gave up teaching was Francesco d'Accursio³⁴, who returned to Bologna only after spending eight years in England as an adviser to King Edward I, a prestigious post that further enhanced his professional standing³⁵. Given their international reputation, the loss of jurists of high calibre must have caused immense concern. A comparison of the rubrics concerning the *Studium* in the two collections of the Statutes (1245-67 and 1288), and in particular the norm prohibiting the transfer of the *Studium* outside Bologna, provides an opportunity to examine the political language used by the *Commune of Popolo* and the measures it planned to take to remedy the difficult situation. It is significant that the 1288 rubric prohibiting the transfer of the *Studium* outside the

³² A. Gaudenzi, *Gli antichi statuti del comune di Bologna intorno allo Studio*, «Bullettino dell'Istituto Storico Italiano», 6 (1888), pp. 117-137.

³³ G. Fasoli, *Ricerche sulla legislazione antimagnatizia nei comuni dell'alta e media Italia*, «Rivista di storia del diritto italiano», XII (1939), pp. 245-247.

³⁴ Francesco d'Accursio was expelled from the contado and the city district in 1277 but the ban was rescinded in 1280, cfr. G. Milani, *Giuristi, giudici e fuoriusciti nelle città italiane del Duecento*, in *Pratiques sociales et politiques judiciaires dans les villes de l'Occident à la fin du Moyen Âge*, cur. J. Chiffolleau, C. Gauvard, A. Zorzi, pp. 595-642.

³⁵ On Francesco d'Accursio in England, see D. Keene, *Out of the Inferno: an Italian lawyer in the service of Odovardo re de Anglia and his London connections*, in *London and the Kingdom: essays in honour of Caroline M. Barron*, cur. M. Davies, A. Prescott, Donington 2008, pp. 272-292.

city of Bologna³⁶ is more fully articulated than that of 1245-67. In addition, it begins with “Hac edictali constitutione sancimus”, an incipit that recalls the language of imperial normative sources, such as the *Constitutio pacis*, also known as *Hac edictali*, issued by Frederick Barbarossa³⁷, and those of his grandson, Frederick II of Swabia, in particular the Constitution he promulgated in 1225: “hac edictali constitutione sancimus ut nullus qui sit nostri imperii et regni iurisdictioni subiectus, Bononie addiscere audeat vel docere”³⁸. Frederick II, who had founded the *Studium* in Naples the previous year with a view to competing with Bologna, by means of this constitution explicitly aimed at suppressing the University in Bologna, forbidding all subjects of the Empire and the Kingdom to go to the *Studium* in Bologna to study or to teach³⁹. Returning to the Bolognese rubric of 1288, it was addressed specifically to clerics, laity, students, citizens or international students, and this underlines the scope of action of the *Commune*, which made no legal distinction between laity and clergy. In other words, in situations such as the transfer, even a potential transfer, of the *Studium*, clerics could not exempt themselves from obedience to the municipal jurisdiction. The provision made it illegal to organise or take part in any conspiracy or agreement, either personally or through a messenger, by letter or in any other way, with any ecclesiastic or lay person, college or university, city, municipality or community, to transfer

³⁶ *Statuti di Bologna dell'anno 1288* cit., Book VIII, Rubric II, pp. 95-96: «De tractantibus seu septam facientibus vel conspiracyonem pro studio transferendo extra civitatem Bononie. Rubrica». On the procedures for reporting crimes in late medieval Bologna, see E. Loss, *Reati denunciati: statuto e documenti bolognesi della fine del Tredecimo secolo a confronto*, in *Les statuts communaux vus de l'extérieur dans les sociétés méditerranéennes de l'Occident (XIII-XV^e siècle)*, cur. D. Lett, Paris 2020, pp. 149-163.

³⁷ MGH, *Leges, sectio IV, Constitutiones et acta publica imperatorum et regum*, I, ed. L. Weiland, Hannover 1893, n. 176, pp. 245-247.

³⁸ A. Gaudenzi, *La costituzione che interdice lo studio Bolognese*, «Archivio storico italiano», s. V, 42 (1908), pp. 352-363; F. Delle Donne, *Per scientiarum haustum et seminarium doctrinarum: storia dello Studium di Napoli in età sveva*, Bari 2010.

³⁹ On the conflictual relations between Frederick II and the *Studium* of Bologna during the years 1220-1225, see A. I. Pini, *Federico II, lo Studio di Bologna e il “Falso Teodosiano*, in *Il pragmatismo degli intellettuali*, cur. R. Greci, Torino 1996, pp. 67-89.

the *Studium* from Bologna elsewhere or to do anything that could undermine its standing. The text of this norm is therefore much more detailed in its description of the prohibition, and in addition to *septa* and *conspiratio*⁴⁰ the term *tractatus* was used, which in this context has the meaning of a gathering of people⁴¹. Moreover, as mentioned above, the term is used in the heading “De tractantibus seu septam facientibus vel conspiracyem pro studio transferendo extra civitatem Bononie”⁴². The regime of sanctions envisaged for those who violated the rule included a differentiation of fines, with a thousand pounds, a huge sum, for those who appeared in court, but the penalty included the confiscation of property and the loss of citizenship for the accused who evaded trial. The harshness of the sanctions for contumacious defendants was explained by the fact that they were considered to be traitors: “ponatur in perpetuo banno communis Bononie tamquam proditor communis et populi Bononie”, reads the provision⁴³. The charge of political treason is one of the most serious because it undermines the bond of loyalty and mutual trust that is a fundamental element of medieval society⁴⁴. The offender was thus deemed to be an enemy of the State and the offence was considered irreparable, so much so that he could never be exempted from the ban that could never be cancelled (“de quo perpetuo eximi non possit nec cancellari”). If the loss of rights was envisaged for the contumacious, the punishment for the captured *banniti* was beheading within three days of capture and the confiscation of all their property. Similarly harsh penalties were imposed on the civil authorities if they failed to prosecute such offences with sufficient diligence⁴⁵. This is not surprising, since it is a violation of the law by the public officials

⁴⁰ As mentioned above in the Statutes of the mid-13th century the pair *secta* and *conspiratio* had instead been adopted.

⁴¹ D. Du Cange, *Tractatus*, in *Glossarium mediæ et infimæ latinitatis*, to. VI, Paris 1736, 1215, *ad vocem*.

⁴² See footnote no. 36.

⁴³ G. Milani, *Prime note su disciplina e pratica del bando a Bologna attorno alla metà del XIII secolo*, «Mélanges de l'École française de Rome, Moyen Âge Temps Modernes», 109 (1997), pp. 501-523.

⁴⁴ W. R. J. Barron, *The Penalties for Treason in Medieval Life and Literature*, «Journal of Medieval History» 7.2 (1981), pp. 187-202.

⁴⁵ *Statuti di Bologna dell'anno 1288* cit., Book VIII, Rubric II, p. 96.

who administer the city, that is, those who are supposed to act in the exclusive interest of the *Commune*. The offence committed by the *podestà* or the *capitano del popolo*, or their respective collaborators, took on a particular gravity as a threat to the political order of the city⁴⁶. The norm also imposed severe restrictions on professors at the University. All civil and canon law professors were expressly prohibited from teaching outside the city of Bologna. Extremely high fines (a thousand pounds) were provided for offending professors who went to court, while contumacious professors were subject to permanent banishment and confiscation of their property. However, the regime of sanctions reserved for professors was much more flexible and there was the possibility of rehabilitation: if they returned to the city and lived there permanently, the sanction could be rescinded⁴⁷. It is worth recalling that at the time of Lambertazzi's defeat, a large number of *legum doctores* had left the city, including Martino Solimani, Federico dalle Scale and the aforementioned Francesco d'Accursio. In this case, the statutes of 1288 attest to his reintegration into the city's elite⁴⁸. Thus, in the late 13th century, the city government was willing to welcome back those of the *legum doctores* who had returned to Bologna, as their lectures at the *Studium* would have brought prosperity and international fame. The urban order would have benefited more from their return than from the sanctions imposed on them, such as the confiscation of their property. Among the measures envisaged to counter the transfer of the *Studium*, as in so many other cases⁴⁹, denunciations were encouraged, but unlike the rule laid down in the statutes of 1245-67⁵⁰, this time the reward for the accuser did not consist of half of the property confiscated from the offender, but it was specified that the reward consisted of one hundred pounds, a substan-

⁴⁶ U. Nicolini, *Il principio di legalità nelle democrazie italiane: legislazione e dottrina politico-giuridica dell'età comunale*, Milano 1957, p. 155.

⁴⁷ *Statuti di Bologna dell'anno 1288* cit., Book VIII, Rubric II, p. 96.

⁴⁸ *Ivi*, Book II, Rubric VIII: «De Lambertacii qui non possint habere offitium nec esse consiliarii. Predicta vero locum non habeant nec tangant in personam domini Francisci domini Acursii».

⁴⁹ G. Milani, *L'esclusione dal comune: conflitti e bandi politici a Bologna e in altre città italiane tra XII e XIV secolo*, Roma 2003, p. XXXX.

⁵⁰ *Statuti di Bologna dall'anno 1245 all'anno 1267* cit., Book VII, Rubric XI, p. 25.

tial sum. Moreover, unlike the rubric of the mid-13th century, the *podestà* was required to ascertain the existence of the offence before authorising the accuser's reward⁵¹. The investigation of crimes was carried out in a systematic manner, especially after the factional conflicts that had caused so much unrest. A rubric that is a direct response to the problems caused by this conflict, in particular the unrest in December 1280, when the Lambertazzi were again expelled from the city and their houses destroyed⁵², is the provision entitled "De domibus in quibus habitant scolares non destruendis"⁵³. This provision appears in all the statutes of subsequent centuries, providing evidence of how important it was to maintain the presence of international students in the city. However, while in 1288 there is an explicit reference to the destruction and civil strife, in particular, "rebellionis partis Lambertatorum", the provision on this subject compiled from 1335 up to 1454⁵⁴, we find just *rebellionis alicuius*, with the *pars Lambertationum* no longer mentioned. This is not so much because the factions no longer existed, but rather that from the 1320s onwards they were known by other names, including Scacchesi, and Maltraversi⁵⁵.

Returning to the 1288 provision entitled "*De tractantibus seu septam facientibus ...*" which we find in all subsequent statutes, the penalties for those found guilty of conspiring to transfer the *Studium* were greatly increased, and the culprits continued to be charged with treason (*proditores*). In fact, the sanction (a fine of one thousand pounds) previously imposed on those who

⁵¹ *Statuti di Bologna dell'anno 1288* cit., Book VIII, Rubric II, p. 96.

⁵² *Cronaca Villola*, in *Corpus chronicorum Bononensium*, ed. A. Sorbelli, in *Re- rum Italicarum scriptores*, XVIII/1, II, Città di Castello, 1910-1938, pp. 202-204: (domos eorum fuerunt derobate et combuste in civitate et comitatu).

⁵³ *Statuti di Bologna dell'anno 1288* cit., Book VIII, Rubric III, p. 97.

⁵⁴ From the Statutes of 1335 onward, we find also concern for property owners so that in the 1454 the rubric has the following heading: "De domibus in quibus habitant scolares non destruendis et quod domus per eos conducte non durent nisi tempus expressum in locatione invito locatore" For the Statutes concerning the *Studium*, see Gaudenzi, *Gli antichi statuti del Comune di Bologna intorno allo Studio* cit.; G. Morelli, *De Studio scholarium civitatis Bononie manutenendo. Gli Statuti del Comune (1335-1454) per la tutela dello Studio e delle Università degli scolari*, «L'Archiginnasio», 76 (1981), pp. 79-165.

⁵⁵ V. Vitale, *Il dominio della parte guelfa in Bologna (1280-1327)*, Bologna 1901, p. 15.

appeared before the courts was replaced by the death penalty, as was the case for banned persons. While the penalties for other offences, such as teaching elsewhere, remained unchanged, the increase in the severity of the offence of organising and facilitating the transfer of the *Studium* outside Bologna shows how much the level of perceived risk had risen. The undermining of the *Studium* was seen as a direct attack on the constitutional order of which it was considered an essential part. Furthermore, one of the greatest dangers to the stability of the *Studium* in Bologna came from the consequences of factional struggles, as shown by one of the best-known episodes. In March 1321, the *podestà* of the time (Giustinello da Fermo) implemented the criminal law in a strict manner, sentencing to death the Iberian student Giacomo from Valenza, accused of the attempted kidnapping of Giovanna Zagnoni, the daughter of a prominent notary associated with the Maltraversi faction⁵⁶. It was not sufficient for the student to be supported by the powerful Romeo Pepoli, leader of the opposing Scacchesi faction, to save him from beheading, which caused an uprising in the University community. Many students expressed their opposition to the sentence by leaving Bologna together with some professors and, after a short stay in Imola, moved to Siena⁵⁷. Though the city government did its best to keep *magistri* and *scholares*⁵⁸, Siena had to wait more than thirty years, that is, until Emperor Charles IV of Luxembourg granted a diploma with the title and privileges of *Studium Generale* in 1357⁵⁹.

⁵⁶ Giovanna Zagnoni was a niece of the famous canonist Giovanni d'Andrea. For the consequences of the attempted kidnapping on d'Andrea's family, see R. Smurra, *Women in the medieval university: a reappraisal of the life and myth of Bolognese Novella d'Andrea from the fourteenth to the twentieth century*, «KLIO», 67(3), pp. 33-50.

⁵⁷ F. Filippini, *L'esodo degli studenti da Bologna nel 1321 e il "Polifemo" dantesco*, Parma 1921, pp. 107-150.

⁵⁸ E. Mecacci, *La cultura giuridica a Siena ai tempi di Dante*, «Codex Studies: Journal of the Società Internazionale per lo Studio del Medioevo Latino», 2 (2018), pp. 59-104.

⁵⁹ P. Nardi, *La migratio delle scuole universitarie da Bologna a Siena: il problema della continuità istituzionale*, in *L'Università in tempo di crisi. Revisioni e novità dei saperi e delle istituzioni nel Trecento, da Bologna all'Europa*, cur. B. Pio, R. Parmegiani, Bologna 2016, pp. 123-134.

Urban order after the crisis

The exodus in 1321 of a significant part of the University community was seen as a serious matter that had to be addressed as soon as possible, so the *Commune* began negotiations to bring the students back to Bologna, which proved successful⁶⁰. As Guido Rossi stated, “once again the *Commune* had managed to save the *Studium*, although the danger of seeing it lost forever had been very serious”⁶¹. The averted danger also had repercussions in the Statutes, beginning with those of 1335, promulgated on the restoration of the republican government following the period of rule by Cardinal Bertrand du Pouget (1327-1334). In these statutes, some unprecedented provisions were drawn up requiring the *podestà*⁶² and the *Capitano del Popolo*⁶³ to uphold the privileges of the *scholares* and to support, defend and increase the *Studium* and the *universitas scholarium*. Moreover, in Book VIII, which covers substantive criminal law with rules regarding the discipline and prohibition of certain kinds of behaviour within society, we find a provision that was absent in the 1250 or 1288 compilations: “De pena dantis operam quod studium de civitate Bononie amoveatur vel turbetur” (Penalty for those who act to transfer or perturb the *Studium*)⁶⁴. This provision is present, with minor variations, in all the redactions compiled between 1335 and 1454. As highlighted⁶⁵, it contains an incipit that proudly refers to the ancient origins of the *Studium*, however, another element that is emphasised is that it has “honoured and taught the city and its citizens for centuries”, and the *Studium* is therefore “the most precious treasure that must be preserved in perpetuity at all costs”. The whole city must feel involved in this commitment. This is not government rhetoric, but a discourse which, by stressing not so much the economic potential as the cultural

⁶⁰ Rossi, *Universitas scholarium* cit., pp. 254-264.

⁶¹ Ivi, p. 264 (our translation).

⁶² *Lo Statuto del Comune di Bologna dell'anno 1335*, ed. A. L. Trombetti Budriesi, I-II, Roma 2008, Book I, Rubric 6, pp. 14-19: «De officio et iurisdictione domini potestati».

⁶³ Ivi, to. I, Book II, Rubric 7, pp. 82-83: «Forma sacramenti domini capitanei».

⁶⁴ Ivi, to. II, Book VIII, Rubric 93, pp. 720-721.

⁶⁵ Morelli, *De Studio scholarium* cit., pp. 88-89.

wealth derived from the presence of the *Studium*, was intended not only to justify the harshness of the judicial measures, that is, the death penalty for anyone who acted to transfer the *Studium* outside Bologna or who caused disruption by disturbing its regular teaching activities, but also to urge the entire urban community to accept a fundamental requirement of collective discipline and therefore to protect the city's most precious asset.

ROMAN CZAJA

The political order of the cities of Königsberg. A contribution to the discourse on the specificity of the urban political order in Eastern Central Europe at the turn of the Middle Ages and in the Early Modern Period¹

Abstract: The purpose of the presented paper is to present the process of limiting the autonomy of the town and the discourses on the political order of towns at the end of the Middle Ages and the beginning of the modern era in the state of the Teutonic Order on the Baltic Sea. It will do this by using the example of Altstadt Königsberg and Kneiphof Königsberg. The chronological framework takes into account two periods of particularly intense political conflicts, the middle of the fifteenth century and in the first two decades of the sixteenth century. The main participants in the discourse were the urban ruling group (patriciate), the commoners and the territorial ruler. Diverse tools of discourse are analyzed: normative acts, petitions, events and historiography. The choice of these two cities for this case study is primarily due to the unique dynamics of their relationship with the territorial ruler. The author points to a change in the concept of the municipal commune and the legitimacy of the city council's authority over the municipality. The city became one of the elements of ducal authority, which also legitimized the municipal order of power.

Keywords: communal political order; municipal government; political communication; urban ruling groups; Prussia.

A shift in the political and social order of the towns in the countries to the east of the Elbe began to emerge in the middle of the fifteenth century. Previously, the political system of large and medium-sized towns developed in the thirteenth and fourteenth centuries was characterized by two interrelated features: the aspiration of urban communities to achieve independence from the town lord, and the appropriation of authority over the

¹ The research presented in this article was conducted under the framework of the research group: "Space between us: Group for interdisciplinary urban research", funded by Nicolaus Copernicus University's Excellence Initiative – Research University,

community by an oligarchy of the wealthiest burghers, usually merchants and brewers². The term “libertas”, well-known from medieval sources, by means of which towns expressed their aspirations for the organization of their own political order and relations with their sovereigns, took very diverse forms³. This differentiation is also evident in the terminology used in modern historiography, which uses terms such as “urban autonomy,” “legal autonomy,” “political independence,” “sovereignty”, “legal self-government”, “municipal liberty”⁴.

In the towns of east-central Europe (understood as the region east of the Elbe), a unified concept of the notion of urban liberty did not develop during the high and late Middle Ages. As scholars, it is certainly easier to define the minimum objectives as opposed to the full range of aspirations of urban communities. Still, the basic scope of liberty included the exclusion of the town from the ducal law and the granting of distinct municipal law, as well as judicial and market immunity. Generally, it was characteristic of the towns to seek the broadest possible scope of powers of territorial rule. Depending on their own economic and social potential and political circumstances, cities, through buy-out or bestowal from the lord and by military means, assumed

² M. Bogucka - H. Samsonowicz, *Dzieje miast i mieszczaństwa w Polsce przedrozbiorowej*, Wrocław 1986, pp. 145-148, 164-166; E. Isenmann, *Die deutsche Stadt im Mittelalter 1150-1550. Stadtgestalt, Recht, Verfassung, Stadtregiment, Kirche, Gesellschaft, Wirtschaft*, Wien-Köln-Weimar 2012, pp. 230-231, 245; W. Mager, *Genossenschaft, Republikanismus und Konsensgestütztes Ratsregiment. Zur Konzeptionalisierung der politischen Ordnung in der mittelalterlichen und frühneuzeitlichen deutschen Stadt*, in *Aspekte der politischen Kommunikation im Europa des 16. und 17. Jahrhunderts. Politische Theologie – Res publica-Verständnis – konsensgestützte Herrschaft*, ed. L. Schorn-Schütze, München 2004, pp. 83, 121.

³ U. Meier - K. Schreiner, *Regimen civitatis. Zum Spannungsverhältnis von Freiheit und Ordnung in alteuropäischen Stadtgesellschaften*, in *Stadtregiment und Bürgerfreiheit. Handlungsspielräume in deutschen und italienischen Städten des Späten Mittelalters und der Frühen Neuzeit*, ed. K. Schreiner - U. Meier, Göttingen 1994, pp. 19-21; K. Schreiner, *Teilhabe, Konsens und Autonomie. Leitbegriffe kommunaler Ordnung in der politischen Theorie des späten Mittelalters und der frühen Neuzeit*, in *Theorien kommunaler Ordnung in Europa*, ed. P. Blickle, unter Mitarb. von E. Müller-Luckner, München 1996, pp. 53-55; O. Auge, *Hansestädte im Ostseeraum zwischen Autonomie and Landesheerschaft*, «Annales Universitatis Mariae Curie Skłodowska» F, 72 (2017), pp. 11-30, pp. 12-13.

⁴ E. Müller-Mertens, *Bürgerlich-städtische Autonomie in der Feudalgesellschaft*, «Zeitschrift für Geschichtswissenschaft» 29 (1981), pp. 205-225, p. 207.

the ruler's functions such as judiciary functions, legislation, the imposition of taxes, the organization of markets and trade, supremacy over the city church, as well as establishing treaties with external political entities. At the same time, urban communities obtained exemptions from military and tax benefits for territorial authority⁵. Of course, such a full spectrum of autonomy was achieved only by the largest towns, primarily those that were referred to as royal cities in the Holy Roman Empire. Most of the large and medium-sized towns managed to achieve a *modus vivendi* with their territorial rulers, which was based on the ruling urban groups' recognition of the supremacy of the territorial ruler, while at the same time retaining significant political autonomy for the urban community⁶.

The oligarchic system of communal government - the second characteristic element of the political order of east-central European towns - had its basis in municipal law. Following the Magdeburg and Lübeck laws, which were most applied east of the Elbe, the urban council, as the representative of the urban community, had full administrative, political and legislative power. The municipal council supplemented its composition by co-optation, and the actual participation of burghers in municipal decision-making consisted of hearing the council's decisions announced at a burgh-

⁵ J. Kejř, *Die mittelalterlichen Städte in den böhmischen Ländern Gründung - Verfassung - Entwicklung*, Weimar - Köln - Wien 2011, pp. 176-233; S. Gawlas, *Die Lokationswende in der Geschichte mitteleuropäischer Städte*, in *Rechtsstadtgründungen im mittelalterlichen Polen*, ed. E. Mühle, Köln-Weimar-Wien 2011, pp. 102-104; E. Engel, *Zur Autonomie brandenburgischen Hansestädte im Mittelalter*, in *Autonomie, Wirtschaft und Kultur der Hansestädte*, ed. F. Fritze, E. Müller-Mertens, W. Stark (Hansische Studien VI), Weimar 1984, pp. 56-60; H. Böcker, *Die 'guten Beziehungen' zum Landesherren. Handelsrechte zwischen Ostsee und Peene vom 13. bis 16. Jb.*, in *Recht und Alltag im Hanseraum. Gerhard Theuerkauf zum 60. Geburtstag*, ed. S. Urbanski, Ch. Lamschus, J. Ellermeyer, Lüneburg 1994, pp. 55-57; Auge, *Hansestädte* cit., pp. 13-15.

⁶ P. Johanek, *Seigneurial Power and the Development of Towns in the Holy Roman Empire*, in *Lords and Towns in Medieval Europe. The European Historic Towns Atlas Project*, ed. by A. Simms, H. B. Clarke, Farnham 2015, pp. 132-141; K. S. Bader - G. Dilcher, *Die kommunale Stadt des Mittelalters, Deutsche Rechtsgeschichte*, in *Enzyklopädie der Rechts- und Staatswissenschaft*, Berlin - Heidelberg 1999, pp. 411-421.

ers meeting⁷. It should be emphasized, however, the right of the entire *communitas* to participate in municipal decision-making – regardless of political practice – remained an important element for legitimizing communal governance⁸.

During the 15th century, the urban political order underwent significant changes, driven primarily by the policies of territorial authorities, which sought to regain power over towns and integrate them into the political system of modernized states⁹. The consequences of the new urban policy of the rulers were as follows: the abolition of the powers of the urban oligarchy to independently elect councillors and members of the municipal court, the revocation of the town's right to mint coin and to form alliances with other towns, and the assumption of control over the municipal judiciary by the town lord. One of the earliest examples of the territorial ruler's abolishing a town's political independence is the attack of Elector Frederick II on the political system of the joint towns of Berlin-Cölln in 1442. Frederick, in resolving the conflict between the town council and the commoners' opposition, abandoned his traditional policy of supporting the ruling group and supported the demands of the people. He also used this intervention to abolish the town's administrative and judicial autonomy. The elector asserted his influence over the election of councillors, subordinated the municipal judiciary to himself, forbade the council from entering into alliances with other towns, took away the town's right to mint coin and establish statutes, and demanded a plot for the construction of a castle¹⁰.

⁷ Schreiner, *Teilhabe, Konsens und Autonomie* cit., pp. 44-47; E. Isenmann, *Die städtische Gemeinde im oberdeutsch-schweizerischen Raum (1300-1800)*, in *Landgemeinde und Stadtgemeinde in Mitteleuropa: ein struktureller Vergleich*, ed. P. Blickle, München 1991, p. 197-225.

⁸ R. Czaja, *Städtische Gemeinden im mittelalterlichen Preussen und Livland: zwischen Rats Herrschaft und bürgerlicher Partizipation*, «Annales Universitatis Mariae Curie Skłodowska» F, 72 (2017), pp. 134-135.

⁹ E. Müller-Mertens, *Bürgerlich-städtische Autonomie* cit., pp. 218-219; K. Fritze, *Hansisches Bürgertum und Fürsten in der Konfrontation. Stralsunds Konflikte mit den Pommernherzögen in der zweiten Hälfte des 15. Jhs.*, in *Hansische Stadtgeschichte – brandenburgische Landesgeschichte. Eckhard Müller-Mertens zum 65. Geburtstag*, ed. E. Engel, K. Fritze, J. Schildhauer, Weimar 1989, pp. 158-167.

¹⁰ H. Böcker, *Die Festigung der Landesherrschaft durch die hohenzollerenschen Kurfürsten und der Ausbau der Mark zum fürstlichen Territorialstaat während des 15.*

The new urban policies of the German princes also influenced ideas about the relationship between territorial authority and towns in the Baltic states and the Kingdom of Poland, although the princes rarely subjugated towns through military action¹¹. More often, they achieved their goals through negotiations and political pressure without the use of violence, which transpired within the framework of political communication, understood as the interaction between political order and its norms and values¹². The purpose of the presented paper is to present the process of limiting the autonomy of the town and the discourses on the political order of towns at the end of the Middle Ages and the beginning of the modern era in the state of the Teutonic Order on the Baltic Sea. It will do this by using the example of Altstadt Königsberg and Kneiphof Königsberg (today Kaliningrad in Russia). The chronological framework takes into account two periods of particularly intense political conflicts, namely the middle of the fifteenth century and the first two decades of the sixteenth century. The main participants in the discourse were the urban ruling group (patriciate), the commoners and the territorial ruler. Diverse tools of discourse will be analysed, which include normative acts, petitions, events and historiography. The selection of these two cities for this case study is primarily due to the unique dynamics of their relationship with the territorial ruler. Both cities were founded by the Teutonic Order, next to a castle at the mouth of the Pregel River into the Baltic Sea. The Altstadt of Königsberg was founded in 1256 between the castle and the river. While the merchant settlement of Kneiphof developed near the cathedral church on an island at the fork of the river and was granted a town charter in 1327. The strategic loca-

Jahrhunderts, in *Brandenburgische Geschichte*, ed. I. Materna, W. Ribbe, Berlin 1995, pp. 178-181; K. Schulz, *Vom Herrschaftsantritt der Hohenzollern bis zum Ausbruch des Dreißigjährigen Krieges (1441/1412-1618)*, in *Geschichte Berlins*, vol. 1, ed. W. Ribbe, München 1987, pp. 266-267.

¹¹ On the reception of Frederick II's pattern of urban policy in the eastern and northern Holy Roman Empire and Denmark, see *Hanserecesse*, Abt. II, vol. 3, ed. G. von der Ropp, Leipzig 1881, pp. V, 5; C. Jahnke, *Geschichte Dänemarks*, Leipzig 2017, p. 44; Auge, *Hansestädte* cit., p. 23.

¹² Schorn-Schütte, *Einleitung in Aspekte der politischen Kommunikation* cit., p. 7; U. Goppold, *Politische Kommunikation in den Städten der Vormoderne. Zürich und Münster im Vergleich*, Köln-Weimar-Wien 2007, p. 25.

tion on the river stimulated the development of both towns as centres of long-distance trade. In addition, a third town, Löbenicht, which was established in 1300 between the castle, the Old Town and the river, functioned as a centre of craft production, but remained in the shadow of its two larger neighbours.

Altstadt Königsberg and Kneiphof belonged to the group of large towns, which from the mid-fourteenth century on, actively participated in the political life of the Teutonic Order's state in Prussia, and the basis of their economic development was far-reaching Hanseatic trade. Additionally, Altstadt Königsberg and Kneiphof were the only large Prussian cities that remained under the rule of the Teutonic Order after the end of the Thirteen Years' War (1454-1466), which broke out between the Teutonic Order, the Prussian estates, and the Kingdom of Poland¹³. The remaining cities - Danzig, Elbing, and Thorn - recognized the authority of the King of Poland and, as part of Royal Prussia, retained full political and legal autonomy, comparable to royal cities in the Holy Roman Empire.

The large Prussian cities enjoyed full independence in the mid-fifteenth century through the election of town councils, court officials, and the legislating of statutes. The ruling groups of these cities demonstrated their aspirations for an independent government over the cities and for participation in political decisions concerning the whole country¹⁴. During the growing conflict with the ruler of the country (the Teutonic Order) from the 1430s onwards, the large Prussian cities began to use the formula "privileges, liberties and rights" as a legal and political basis to legitimise their political independence from the ruler of the country and their aspirations for sovereignty. The treatment of privileges as a certain legal entity referred to the legal and political formulas known in the cities of the Holy Roman Empire,

¹³ D. Heckmann, *Königsberg und sein Hinterland im Spätmittelalter*, in *Die preußischen Hansestädte und ihre Stellung im Nord- und Ostseeraum des Mittelalters*, ed. Z.H. Nowak, Toruń, pp. 79–89; U. Arnold, *Königsberg als Wirtschaftsstandort im Mittelalter. Ein Überblick*, in *Preußische Landesgeschichte. Festschrift für Bernhart Jähnig zum 60. Geburtstag*, ed. U. Arnold, M. Glauert, J. Sarnowsky, Marburg 2001, pp. 333–339.

¹⁴ R. Czaja, *Preußische Hansestädte und der Deutsche Orden. Ein Beitrag zu den Beziehungen zwischen Stadt- und Landesherrschaft im späten Mittelalter*, «Hansische Geschichtsblätter» 118 (2000), pp. 57-76.

which were based on the general idea of freedom (*libertas*) of the city¹⁵.

The understanding of the urban community as a sovereign entity emerges very clearly in the dispute over the oath of new citizens and guild elders, which broke out in the Altstadt Königsberg in 1449. The city council, acting under the leadership of Mayor Andreas Burnau, a fierce opponent of the Teutonic Order, removed from the oath the pledge of allegiance to the ruler of the country. Instead, the new oath formula contained only a provision for obedience to the city council and an obligation to act for the good of the city¹⁶. Thus, the council, as an independent suzerain of the city, embodied a model of municipal political order based on the quasi-monarchical authority of the city council over an oligarchically structured community. Resistance from craft guilds, mainly blacksmiths, forced the council to return to the old oath formula. The Archbishop of Riga, who took part in the resolution of the conflict, accurately understood the intentions of the city council, which in his opinion was seeking a position comparable to the free cities of the Holy Roman Empire. The participants in the conflict formed themselves according to the classic model: the ruling group - and on the other side the commoners and the ruler of the country¹⁷.

At this time, a radically different model of the relationship between the town and the territorial ruler was held by officials of the Teutonic Order, who in the face of the growing conflict between their institution and the urban elite and nobility, presented to the grand master a new urban policy similar to that of their homelands in the Holy Roman Empire. The surviving petitions of several commanders include, among other things, proposals to limit the use of municipal law, especially with regard to the inheritance of real estate, the exclusion of criminal matters from the jurisdiction of municipal courts, the control of the territorial ruler over the grain trade and over the election of municipal

¹⁵ Meier - Schreiner, 'Regimen civitatis' cit., p. 19; R. Czaja, *Miasta pruskie a zakon krzyżacki. Studia nad stosunkami między miastem a władzą terytorialną w późnym średniowieczu*, Toruń 1999, pp. 216-217.

¹⁶ Geheimes Staatsarchiv Preußischer Kulturbesitz, Berlin, XX. HA, Perg. Urk. XXIII, 8

¹⁷ F. Gause, *Die Geschichte der Stadt Königsberg in Preußen*, Bd. 1, Köln-Graz 1996, p. 169.

officials and the annual tribute of newly elected officials, in addition to the right of the grand master to impose customs duties and taxes. One author of this petition even depicts the ritual of the grand master's nomination of newly elected councillors who, barefoot and dressed in a woollen robe, should appear before the castle to hand over the keys to the city gates to the commander of the Order castle in that town¹⁸.

The grand master, during the period of conflict with the Prussian states and during the 'Thirteen Years' War of 1454-1466, did not have the opportunity to implement the new urban policy outlined above on a country-wide scale.

For the first time, the conditions for the limitation of the legal and political independence of the cities of Königsberg appeared in the middle of the fifteenth century. In 1454 the large cities, including the Altstadt Königsberg and Kneiphof, as well as the Prussian knights supported by the Polish king, took up arms against the Teutonic Order. The troops of the Teutonic Order with the support of the commoners managed to suppress the revolt of both cities in 1456. The position of the territorial ruler was strengthened by the transfer of the grand master's residence from Marienburg to Königsberg in 1457. The Teutonic Order removed the previous ruling group in the Altstadt Königsberg and in Kneiphof from power and gained influence in shaping the composition of the municipal councils and in establishing the municipal statutes¹⁹.

However, the next four grand masters, who came from a group of experienced brothers of the order, did not take up the demands made in the mid-fifteenth century for a change in urban policy. Therefore, it was not until the last two grand masters in Prussia, who came from princely families from Holy Roman Empire, that the process of subordinating the two cities in

¹⁸ H. Boockmann, *Zu den politischen Zielen des Deutschen Ordens in seiner Auseinandersetzungen mit den preußischen Ständen*, «Jahrbuch für die Geschichte Mittel- und Ostdeutschlands» 15 (1966), pp. 57-104, pp. 89-102.

¹⁹ L. Dralle, *Der Staat des Deutschen Ordens in Preussen nach dem II. Thorner Frieden: Untersuchungen zur ökonomischen und ständepolitischen Geschichte Altpreußens zwischen 1466 und 1497*, Wiesbaden 1975, pp. 31, 87-89; W. Długokęcki, *Zur Geschichte der Führungsschichten in Königsberg und Marienburg in der Zeit des dreizehnjährigen Krieges. Ein Beitrag zum Austausch der städtischen Machteliten*, «Zapiski Historyczne» 82,1 (2017), pp. 55-77.

Königsberg to territorial authority began. These two masters were Frederick of the Wettin family who was the son of Duke Albrecht of Saxony (1498-1510), and Albrecht, son of Duke Frederick vom Hohenzollern Markgrave of Brandenburg-Ansbach (1511-1525). Their reign was guided by two objectives: the centralization and strengthening of the grand master's power and an active and costly policy towards the Kingdom of Poland²⁰.

Since the beginning of the sixteenth century, there had been a clear tendency to eliminate the legal separation of towns, this is evident in the legal and ceremonial acts concerning the relationship between the towns and the territorial authority²¹. Grand master Frederick was not content, as his predecessors were, with influencing the composition of the city council. As such, in a statute of 1500, he laid down rules for the election of councillors in Kneiphof, and omitted the old procedure used in Chelmno law of legitimizing the election by announcing the names of new councillors at a burghers' assembly. According to the ceremonial procedure described in the statute, reminiscent of the aforementioned demands of the grand master's officials in the mid-fifteenth century, the legitimacy of the newly elected council was based on the authority of the Teutonic Order. The new council was required to take an oath of allegiance to the grand master and hand over the keys to the city gates to the castle commander²².

At the beginning of the sixteenth century, a new element was introduced into the discourse on the city model, namely the direct power of the territorial ruler over the burghers. Laws passed

²⁰ H. Freiwald, *Markgraf Albrecht von Ansbach-Kulmbach und seine Politik als Deutschordens-Hochmeister und Herzog in Preussen während der Entscheidungsjahre 1521–1528*, Kulmbach 1961; L. Dralle, *Friedrich von Sachsen in Die Hochmeister des Deutschen Ordens 1190-2102* (Quellen und Studien zur Geschichte des Deutschen Ordens 40), ed. U. Arnold, Weimar 2014, pp. 159-161.

²¹ R. Czaja, *Zwischen Kooperation und Konfrontation. Der Deutsche Orden als Landesherr gegenüber den Stadträten und den Gemeinden der drei Städte Königsberg zu Beginn des 16. Jahrhunderts*, in *Deutschordensgeschichte aus internationalen Perspektive. Festschrift für Udo Arnold zum 80. Geburtstag* (Quellen und Studien zur Geschichte des Deutschen Ordens 85), ed. R. Czaja, H. Houben, Iltal-Weinstraße 2020, pp. 19-36, pp. 21-29.

²² *Quellenbeiträge zur Geschichte der Stadt Königsberg im Mittelalter*, ed. M. Perlbach, Göttingen 1878, p. 77-79; H. Freiwald, *Die Verfassungsverhältnisse von Riga als Modell eines landesherrlichen Reformplanes für die drei Städte Königsberg*, „Acta Prussica“, 28 (1968), pp. 135-162, p. 141.

on the initiative of the grand master (the country statute of 1503) strengthened his position towards all burghers, thus undermining the role of the council as a representative of the municipality in relation to the territorial authority. In the country statute, the mayor was obliged to submit a list of persons admitted to the municipal law to the grand master each year. The direct authority of the grand master over individual burghers was also manifested in the tax collection instructions introduced in 1514, according to which officials appointed by the lord of the town were to assess the value of the burghers' property and collect the tax²³.

The sources do not contain information regarding the reaction of the city's ruling groups to the intervention of the territorial authority in municipal governance and the change in the municipal political order. It can be assumed that Königsberg city councillors did not accept the grand master's municipal policy with great enthusiasm, but they were far from expressing protest. The most important thing for the municipal ruling groups was that the statutes issued by the grand master did not question the authority of the city council over the municipality; on the contrary, they expressed the concept of a hierarchical order of power: just as the town councillors are subordinate to the grand master, the town council rules over the town. Revolts of the townspeople against the council and the grand master were forbidden. In resolving intra-town conflicts the council was expected to act independently, without referring to the assembly of citizens, and any consultations with the townspeople should take place in a narrow circle ("one-on-one"). In 1508, court officials of the grand master, during a discussion with the town councils on the introduction of a new tax, expressed the opinion that including representatives of the municipalities in the debate would lead to a decline in the authority of government, both municipal and territorial²⁴. This oligarchical conception of political order was based on the link between the municipal ruling group and the territorial ruler.

This view of political order negated the key principle of citizen participation in decision-making regarding the common good, which was crucial to urban order. However, the associa-

²³ *Acten der Ständetage Preußens unter der Herrschaft des Deutschen Ordens*, vol. V (1458-1525), ed. M. Toeppen, Leipzig 1886, pp. 476-477, 561.

²⁴ *Acten der Ständetage* cit., p. 476.

tion of the municipal leadership group with the territorial ruler made its implementation possible²⁵.

The difference of opinion between the urban elite and the territorial authority during the reign of grand master Frederick diverged only on the issue of limiting the powers of municipal judicial authorities. In 1507, the grand master established the Castle Court which, among other things, was to act as an instance of appeal against the verdicts of the municipal courts. This also included the ability to rule against the decisions of the higher court under Chelmino law (*Kulmer Recht*)²⁶, the so-called Oberkolm, which was the council of the Altstadt Königsberg. The higher court dealt with appeals from lower court verdicts and legal doubts, and in particularly complex cases could seek advice from the Magdeburg court bench²⁷.

At the end of 1507, the council and the community of Altstadt Königsberg sent a petition to the regents representing the absent grand master in Prussia, requesting the preservation of "old and dignified customs, privileges, freedom and the rule of law"²⁸. A different argument, referring not to the tradition of municipal law, but to the authority of territorial power, was presented in negotiations with the ruling groups of Königsberg by the grand master's advisors in 1508. Justifying the need to abolish court appeals to Magdeburg, they maintained that they were an insult and a detriment to the supreme authority of the grand master and the Teutonic Order, to their privileges and regalia²⁹. The territorial ruler emerged victorious from this confrontation between the authorities of municipal law and state law. In 1517,

²⁵ Freiwald, *Markgraf Albrecht von Ansbach-Kulmbach* cit., pp. 194-196.

²⁶ Chelmino law was developed from Magdeburg law. Its origins are related to the charter granted by the Teutonic Order to the cities of Chelmino and Torun 1232/1233, W. von Brünneck, *Zur Geschichte des Kulmer Oberhofes*, «Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung» 34 (1913), pp. 1-48.

²⁷ H. Fischer, *Das Quatember- oder Hofgericht zu Königsberg 1506–1525*, «Alt-preußische Forschungen» 1/2 (1924), pp. 5-20: 15; G. Conrad, *Geschichte der Königsberger Obergerichte*, Leipzig 1907, pp. 4-5.

²⁸ *Acten der Ständetage* cit., p. 497 „wolt uns allen bey unnzernn altem loblichen gewonheiten, privilegien, freiheiten und gerechtigkeiten behalten”.

²⁹ *Acten der Ständetage* cit., p. 536, „welche dem Hochmeister und dem würdigen orden zu schympf und nachteyl irer oberkeyt, privilegien und regalien reichet“.

grand master Albrecht von Hohenzollern transferred the last competence of the higher court of Chelmno law from Altstadt Königsberg to the castle court³⁰. Evidence of the new grand master's exercise of direct authority over the municipal authorities, guilds and citizens is provided by the court's court records, established in 1511, which recorded, among other things, information about the annual tributes of the new council of Altstadt Königsberg and the oaths and tributes of new citizens, as well as petitions submitted by the guilds and by the burghers³¹.

The ideas expressed in legal and ceremonial acts regarding the hierarchical and oligarchic political order in the cities of Königsberg, however, did not correspond to the dynamic social reality in the second and third decades of the sixteenth century in which the municipal commune emerged as an important actor. It should be emphasised, however, that the inclusion of commoners in the discourse on urban political order did not result solely from bottom-up aspirations to participate in municipal political life, but was to a larger extent a consequence of the interaction between the ruling group and the territorial ruler³².

In the first quarter of the sixteenth century, faced with increasing tax demands from the grand master, the councils of Kneiphof and Altstadt Königsberg sought to avoid the full responsibility of agreeing to new taxes for fear of public discontent. For this reason, the city councils sought to involve the burghers in the political decision-making process³³. The council of Altstadt Königsberg, seeking to distribute responsibility for the new taxes was even prepared to challenge its position as an intermediary between the municipal community and the city lord. In 1501, during a discussion on the introduction of a new beer tax, the town council asked the grand master that officials of the Teutonic Order present the draft tax and its justification to the townspeople. In 1508 the town council, wishing to gain stronger legitimisation for its protest against the extension of the

³⁰ Freiwald, *Markgraf Albrecht von Ansbach-Kulmbach* cit., p. 59.

³¹ Geheimes Staatsarchiv Preußischer Kulturbesitz, Berlin, XX. HA, Ordensfolianten, n. 287, pp. 134-138.

³² A. Maleszka, *Between mediation and revolt – instruments of shaping and restoring urban order in the Prussian zone*, paper presented in conference 'Mediating Urban Order, Iasi, 18-20.09. 2023 (in print).

³³ Czaja, *Zwischen Kooperation und Konfrontation* cit., pp. 26-27.

competence of the court to the municipal judiciary, emphasised that the petition expressed the common position of the town councils and municipalities³⁴.

In the second decade of the sixteenth century, representatives of the municipalities were included in the discussion of the new taxes, and also participated in delegations sent by the towns to conventions with the grand master. Characteristic of the debate on the new urban order was the idea of a dichotomous structure of municipal communes, in other words: a council-led commune consisting of merchants and brewers, and a commune of craftsmen, represented by elders drawn from the various craft guilds³⁵.

The political divide in the two towns of Königsberg worked to the advantage of the grand master, who was in urgent need of financial support during the period of war with Poland between 1519 and 1525. Albrecht von Hohenzollern, according to the principle of divide et impera, sought to win over divergent interests and aspirations within the townspeople of Königsberg. He was also instrumental in the discourse on the political model of the urban community³⁶. In 1521 as a means of obtaining the consent of the ruling group to establish new taxes, he advocated an oligarchic model of the municipality in a country statute. Among other things, this statute introduced, for the first time in the history of the Teutonic Order state, a distinction in terms of dress between councillors, benches, and merchants on the one hand and craftsmen on the other³⁷. Social discipline in terms of dress, along with a ban on pigs within the city walls, aroused the discontent of commoners, who directed their anger primarily against the ruling group. City councils blamed the imprudent policy of the regents, who replaced the grand master after his departure from Prussia, for leading to social tensions.³⁸ The fol-

³⁴ *Acten der Ständetage* cit., p. 497.

³⁵ *Acten der Ständetage* cit., pp. 576-578, 617-618, 628; *Die Königsberger Chroniken aus der Zeit des Herzogs Albrecht*, ed. F. A. Meckelburg, Königsberg 1865, pp. 18-21; Freiwald, *Markgraf Albrecht von Ansbach-Kulmbach* cit., pp. 68-77; Czaja, *Zwischen Kooperation und Konfrontation* cit., pp. 29, 31.

³⁶ Freiwald, *Die Verfassungsverhältnisse* cit., p. 157.

³⁷ *Acten der Ständetage* cit., pp. 676-688; Gause, *Die Geschichte der Stadt Königsberg* cit., pp. 219-221.

³⁸ The position of the urban ruling groups is presented in the mentioned chronicle written by Johannes Freiberg, *Die Königsberger Chronik* cit.,

lowing year, Albrecht von Hohenzollern unexpectedly changed his position toward the cities of Königsberg. In 1522 the Order, faced with the threat of revolt and the resistance of the town councils to the new taxes, supported the commoners' aspirations to participate in municipal government. The grand master issued a separate privilege for the commoners of all the towns of Königsberg, in which he cancelled the dress restrictions introduced in 1521 and, in addition, ordered that guild representatives be included in the town council meetings³⁹.

The privilege of the Teutonic Order thus provided the basis for burghers to formulate their own concept of urban order. During the convention of the Prussian Estates on 6 April 1522, the representatives of the commoners of the three towns of Königsberg presented the grand master with a list of eight demands regarding their participation in the urban government. Among other things, they demanded the keys to the city gates and the right to elect a council of twelve men to represent the community in decisions affecting the entire city. It is worth noting that this new body of municipal power was to represent the communities of the three towns together. It can be assumed, therefore, that the middle class of Königsberg tried to weaken the position of the old ruling groups by unifying the three cities into one commune⁴⁰.

The grand master had no intention of supporting such far-reaching demands for fear of overly strengthening the political influence of the community leaders and thus severely disrupting the political order in the city. Heinrich von Miltz, a brother of the Teutonic Order and an official of the grand master, rejected the demands presented on Albrecht's behalf. He referred the leaders of the community to the city council as the first instance for examining complaints from the community and ordered them to continue to maintain unanimity with the

pp. 149-150; A. Seraphim, *Soziale Bewegungen in Altpreußen im Jahre 1525*, «Alt-preußische Monatsschrift», 58, 4 (1921), pp. 1-36, 71-104: 19; Czaja, *Zwischen Kooperation und Konfrontation* cit., pp. 31-32.

³⁹ Geheimes Staatsarchiv Preußischer Kulturbesitz, Berlin, XX. HA, Pergamenturkunden, Schiebl. XXXIII, n. 23; *Acten der Ständetage* cit., pp. 701-707.

⁴⁰ Seraphim, *Soziale Bewegungen* cit., p. 34.

communal authorities⁴¹. During the next two years, representatives of the commoners attempted to present their aspirations for participation in communal government to the city councils and the regents replacing the absent grand master in Prussia. However, without the support of the territorial authority, they were unable to achieve their goals. In 1525, mainly due to the strengthening of the position of the territorial ruler, the intense debate on the political model of the cities of Königsberg died out⁴². Albrecht made peace with Poland and secularised the Teutonic Order state in Prussia, and then, as a secular duke, assumed power over Prussia. The Reformation strengthened his authority as the country's church leader. During the fight in 1525 against the peasant uprising in Sambia, burghers opposed to the oligarchic rule of the council were expelled under the pretext of cooperating with the rebellion⁴³.

After 1525, the Altstadt Königsberg and Kneiphof were subordinated to ducal authority, as was Berlin in 1442. Unlike the Brandenburg March, however, the process of reducing communal aspirations for autonomy took place in Prussia without violence. The ruler of the country took advantage of the conflict between commoners and ruling groups in his urban policy. The basis of the political model of the cities on the Pregel thus became an alliance between the urban ruling groups and the territorial ruler. The organization of municipal government after 1525 did not change significantly compared to the previous period. The intention to unite the three towns of Königsberg into a single urban community expressed in the ducal program of city reform of August 1525 was not realized until 1724⁴⁴. However, the concept of the municipal commune and the legitimacy of the city council's authority over the municipality changed radically. The city became one of the elements of ducal authority, which also legitimized the municipal order of power. Thus, the notion of freedom understood as independence from municipal

⁴¹ *Acten der Ständetage* cit., pp. 712-713; S. Meyer, *Die Beler-Platner'sche Chronik*, «Altpreußische Monatsschrift» 49 (1912), pp. 343-415, 593-664: 640-641.

⁴² Gause, *Die Geschichte* cit. pp. 219-224; Freiwald, *Markgraf Albrecht von Ansbach-Kulmbach* cit. 98-102.

⁴³ Seraphim, *Soziale Bewegungen* cit., pp. 97-99.

⁴⁴ Freiwald, *Die Verfassungsverhältnisse* cit., p. 139.

authority disappeared from the political aspirations of municipal ruling groups. The evolution of the political order in the cities of Königsberg reflects the change in the city's position in the state authority structure, typical of the early modern era⁴⁵.

It should be emphasized, that the example presented is one of many diverse models of the municipal order in east-central Europe at the turn of the Middle Ages and the modern era. The three other great cities of the Teutonic Order state - Danzig, Elbing and Thorn, which recognized the authority of the King of Poland after 1466, advocated the idea of freedom and autonomy from external political power at the forefront of their political discourse with the monarch and his officials.

⁴⁵ H. Schilling, *Die Stadt in der Frühen Neuzeit*, München 2004, pp. 54-55; H. Knittler, *Die europäische Stadt in der frühen Neuzeit. Institutionen, Strukturen, Entwicklungen*, Wien-München 2000, pp. 107-108.

JANA VOJTÍŠKOVÁ

*The Town Law of the Kingdom of Bohemia
from 1579 as a significant stabilising element
of urban order in early modern Bohemia¹*

Abstract: The Town Law of the Kingdom of Bohemia (1579) represents an important work of Czech legal history that reflects the erudition of its creators, especially Pavel Kristián of Koldín. The code unified the town law in Bohemia and created the basic framework of urban order, which remained in relics in municipal society until the beginning of the 19th century. The focus of the presented study is to examine not only the circumstances under which the code was created and its reception in urban society, but also to explore the situation in the royal towns before the adoption of the Town Law, when the spread of a uniform standard of legal system facilitated communication between towns. As an example of destabilisation of the municipal order, the royal town of České Budějovice is used here as a case study. This case is proof of the complex religious conditions in the Bohemian Kingdom during the 15th and first half of the 16th centuries. An example of widespread destabilisation of the municipal order is the period of the Thirty Years' War, and therefore this crisis will also be discussed.

Keywords: Kingdom of Bohemia; Late Middle Ages; Early Modern Age; Municipal Law; Municipal Order.

„I. Právo pak nic jiného není nežli umění a rozeznání dobrého od zlého, spravedlivého od nespravedlivého, pravého od křivého, mírného od nemírného, kteréž jednoho každého k tomu vede a učí, čeho se má přidržeti a čeho se zase vystříhati.

II. A tak známost a umění práv záleží na tomto trém: totiž ctně a šlechetně žívu býti; bližnímu v ničemž neubližovati; a čím komu kdo spravedlivě jest povinovat, toho jemu sám od sebe udělovati. Což kdyby vůbec ode všech zachováno bylo, nebylo

¹ The study was conducted within the framework of the employment at the Philosophical Faculty of the University of Hradec Králové.

*by potřeby práv psaných ani zřízení, ustanovení aneb snešení
obecních a lepší mnohém by řád mezi lidmi byl*².

(*The Town Law of the Kingdom of Bohemia*, 1579)

Introduction

The urban network, made up of royal and landlord's market³ towns, began to form intensively in the Kingdom of Bohemia⁴, driven by a number of factors in the 13th century, i.e. somewhat later than compared to Western Europe⁵. Litoměřice and the Old Town of Prague (Prague) are among the oldest urban centres. Prague acquired the role of the capital and most important city of the kingdom, which was formed near the royal residence – Prague Castle, at the main crossroads of trade routes⁶.

² “I. *Law is nothing but the art and discernment of good from evil, just from unjust, true from crooked, moderate from intemperate, which leads everyone to this and teaches what to keep and what to avoid.* II. *And so the knowledge and art of rights depends on these three: namely, to live honourably and nobly; not to harm a neighbour in anything; and what to oblige someone who is righteous, to grant him of his own accord. Which if it were observed at all by everyone, there would be no need for written rights or the enactments, stipulations, or resolutions of municipal ones, and the order among people would be much better.*” *Práva městská Království českého. Edice* [Town Law of the Kingdom of Bohemia: Edition], edd. J. Šouša, J. Vojtíšková, K. Woitschová, in *Práva městská Království českého. Edice s komentářem*, edd. K. Malý et al., Praha 2013, pp. 51-622.

³ In this case, the term *a market* is used in the sense of *a fair*. On that, cf. footnote 17, where the term *a market* is used in the sense of a transaction with real estate.

⁴ Other than Bohemia, the Czech state comprised the Margraviate of Moravia and from the 14th century Upper and Lower Lusatia (until 1635) and Silesia (until 1742).

⁵ On the beginnings of towns in Bohemia, see esp. F. Hoffmann, *Středověké město v Čechách a na Moravě* [The Medieval Town in Bohemia and Moravia], Praha 2009; J. Kejř, *Vznik městského zřízení v českých zemích* [The Origin of Town Foundations in the Czech Lands], Praha 1998; J. Klápště, *Proměna českých zemí ve středověku* [Medieval Transformation in the Czech Lands], Praha 2005; J. Žemlička, *Království v pohybu. Kolonizace, města a stříbro v závěru přemyslovské epochy* [Kingdom on the Move: Colonisation, Towns, and Silver at the End of the Přemyslid Epoch], Praha 2014.

⁶ On the history of Prague, V. Ledvinka - J. Pešek, *Praha* [Prague], Praha 2000.

The adoption of town law, which was brought by incoming German-speaking colonists or transiting merchants in the first wave of town foundations, was essential for the forming legal towns and the basis of their municipal regulations. Thus, two main legal areas were gradually formed within Bohemia – the area of the so-called *South German law* (with the main authority of Prague's Old Town) and the so-called *Saxon-Magdeburg law* (with the main authority being Litoměřice). Even within these units, however, there were differences between towns in Bohemia, which often caused problems. A prerequisite for the unification of town law was the creation of a code, which was only achieved in 1579, when the *Town Law of the Kingdom of Bohemia* was issued. The code became binding for towns in Bohemia in 1610⁷.

With regard to the theme of the ICHT 2024 conference – *Discourses on the peculiarities of urban order*, this study examines not only on the circumstances under which the code was created and on its reception in urban society, but also the situation in the royal towns before the adoption of the *Town Law*, when the spread of a uniform standard of legal system facilitated the communication between towns⁸. As an example, in connection with the legal practice of the time, the royal town of České Budějovice, traditionally one of the largest towns in Bohemia will be examined. A surprising gap was found for the period of the second half of the 15th and the first half of the 16th centuries, which had so far escaped the attention of researchers due to insufficient preservation of the sources. Therefore a full diplomatic analysis of the surviving official material, even if fragmentary, can reveal a number of important insights about the functioning of the town code in the period before the adoption of the *Town Law*, in combination with legal history and administrative history. The Thirty Years' War serves as a prominent example of widespread

⁷ The basic developmental milestones of the development of town law in Bohemia is provided by Z. Hledíková, *Městská správa* [Municipal Administration], in *Dějiny správy v českých zemích od počátků státu po současnost*, edd. Z. Hledíková, J. Janák, J. Dobeš, Praha 2005, pp. 203-204, 222-223.

⁸ On the communication of the towns, see J. Vojtíšková, *Písemná komunikace mezi českými královskými městy v době předbělohorské na příkladu Nového města pražského a polabského pětíměstí* [Written Communication between the Bohemian Royal Towns in the Pre-White Mountain Period using the Example of Prague's New Town and the Polabian Five Towns], Dolní Břežany 2011.

destabilization of the municipal order; consequently, this period of crisis will also be considered in relation to the use and understanding of town law.

The path to the codification of town law

The Hussite Wars, was one of the periods of Czech history that more significantly influenced European events, since there were religious and political conflicts between the Hussites and their domestic and foreign opponents, as well as between Hussite factions themselves. These clashes took place in 1419–1434 and subsided definitively only with the establishment of the religious peace in Kutná Hora in 1485, which legalised the coexistence of Calixtines, receiving Communion under both methods (*sub utraque specie*), and Catholics, who were a significant minority in Bohemia⁹. With regard to our topic from the field of urban history, it is important to note that the involvement of royal towns in the political events of the Hussite and post-Hussite periods led to their elevation to a privileged status. And following the restoration of royal power, these towns participated in the framework of political power within the estate monarchy¹⁰. The hegemony of urban society in Bohemia was Prague, whose

⁹ F. Šmahel, *Husitské Čechy. Struktury, procesy, ideje* [Hussite Bohemia: Structures, Processes, Ideas], Praha 2001, p. 63.

¹⁰ The situation of the towns in Bohemia was complicated by disputes with the nobility, which threatened the economic activities of the royal towns with the development of their large estates, denied the towns the right to sit in the land diet and purchase land, which was a prerequisite for building urban estates. The disputes escalated from the 1480s, peaked after the publication of *Vladislaus's Land Constitution* from 1500, and subsided after the conclusion of the *Treaty of St. Wenceslas* in 1517, on the basis of which towns could sit in the Land Diet and participate in voting on matters that concerned them, and could also acquire landed property. On the other hand, the nobility was not prevented from permanently reducing the prosperity of the royal towns through their business. The subsequent protests of the towns were already ineffective, and the towns thus permanently faced significant competition in the case of noble-supported landlord's market towns and noble estates. On the topic comprehensively, see *Vladislavské zřízení zemské a navazující prameny (Svatováclavská smlouva a Zřízení o ručnicích)* [Vladislaus's Land Constitution and the Related Sources (The Treaty of St Wenceslas and

influence contributed significantly to the spread of *Prague Law*, which in the course of the 15th century adopted progressive elements of the laws of the Moravian towns of Brno and Jihlava, which were more broadly understood as the South German legal area. Already in the 14th century, the court of Prague's Old Town functioned as an appeals instance for burghers dissatisfied with the decision of their municipal court, which operated under the *Prague Law*. However, as demonstrated by research so far, it is impossible to imagine that all the principles practised in the capital would work consistently in all the towns of the Prague legal district. Instead, the town law in use, manually copied by hand by some towns, was supplemented by local common law. Town scribes played a fundamental role in the contemporary legal practice of individual towns, as they ensured legal continuity in their official jurisdiction and thus contributed significantly to the basic framework of the town code. They were the experts in town law during the Hussite period, as legal knowledge was not a prerequisite for holding a position on the twelve-member council, which operated within the Prague legal district alongside the municipal court. University-educated scribes are encountered more commonly in progressive royal towns from the sixteenth century, because the obligation to have a university education did not come until the middle of the 18th century, in connection with the extensive reforms of the Czech lands under Maria Theresa (1740-1780). A fundamental intervention in the 1780s was the so-called *regulation of municipalities*, which, during the reorganisation of the town administration, mandated a university education or the successful completion of law exams at an authorised institution – the court of appeals – for a greater number of town officials¹¹.

But let us return to the time of the Hussites. Already during the 15th century, a number of towns in the so-called *Litoměřice legal district* began to gradually switch to the so-called *Prague Law*,

the Enactment on Firearms)], edd. P. Kreuz, I. Martinovský, J. Vojtíšková, Praha 2007.

¹¹ J. Vojtíšková, *Z dosavadního výzkumu městských kancelářů v Čechách v době 18. století (zejména na příkladu vybraných východočeských královských věnných měst)* [From the Previous Research of Town Offices in Bohemia during the 18th Century (Especially Using the Example of Selected East Bohemian Royal Dowry Towns)], «Cornova» p. X, 1 (2020), pp. 71-84.

maintaining a certain amount of conservatism of Saxon-Magdeburg law, for example in the area of testamentary practice. The body of *Prague Law*, enriched with progressive elements of *Jihlava and Brno Law*, was better suited to the developing late medieval urban society. This trend, which is also related to the economic development of towns – the so-called *golden age of royal towns in Bohemia*, continued in the 16th century¹².

The tendency towards unification of town law in Bohemia began to manifest itself more clearly in the 16th century – after the accession of the Habsburgs, when the monarchical power intervened in the process. The centralist-minded Ferdinand I of Habsburg (1526-1564), who, after ascending to the Bohemian throne, had to cope with post-Hussite and new religious currents and with the strong position of the Estates (in Bohemia, lords – higher nobility, knights – lower nobility, royal towns), so he began to gradually limit estate power mainly of the royal towns, which had enjoyed significant autonomy since the time of the Hussite wars and actively intervened in the political situation at the time, including the resistance against Ferdinand¹³. In the spirit of centralising tendencies, the monarch had Brikcí of Licko (perhaps 1488-1543), a university-educated scribe, write down the *Town Law* (1536)¹⁴. However, it was not accepted as a law code by the royal towns with regard to the strengthening of the monarch's power over them. Nevertheless, as proved by surviving sources, in practice, despite official disapproval, some towns followed these laws. Subsequently the monarch's second attempt, beginning in 1559, was more successful, when, after protracted disputes between Prague and Litoměřice, a binding code was prepared by the university-educated Old Town chancellor Pavel Kristián of Koldín (1530-1589) with a number of assistants. *Town Law of the Kingdom of Bohemia* was completed in 1569, but its publication was delayed because a counter-proposal

¹² The term was introduced by Z. Winter, *Zlatá doba měst českých* [The Golden Period of Bohemian Towns], Praha 1991.

¹³ In the wider context, see esp. P. Vorel, *Velké dějiny země Koruny české, VII, 1526-1618* [Great History of the Lands of the Bohemian Crown, VII, 1526-1618], Praha 2005, pp. 7-194.

¹⁴ Brikcí of Licko, *Práva městská*, Litomyšl: Alexandr Oujezdecký, 1536. Available in an edition: *M. Brikcího z Licka Práva městská* [M. Brikcí of Licko Town Law], edd. J. Jireček, H. Jireček, Praha 1880.

was submitted to the parliamentary committee – a code written in Litoměřice, based on Saxon-Magdeburg law. Koldín's *Town Law* was thus recognised as a law code until the reign of Rudolf II (1576-1611) and published in 1579¹⁵. *Town Law* was adopted by the vast majority of towns in Bohemia, including both royal and landlord's market towns. Only a few towns resisted, led by Litoměřice, which was forced to adopt the code by a decision of the Land Diet in 1610. The adoption of the *Town Law* in 1580 by the Court of Appeals, an institution established for defeated towns for appeals by the monarch in the spirit of centralism in 1548 after the anti-Habsburg resistance (1547), also helped the spread of the town law code. Along with other political-economic sanctions, the autonomy of the royal towns was thus significantly limited. The *Law* only became binding for Moravian towns in 1697, when the centralising tendencies of the monarch's power became more apparent, i.e. in the period of the early absolutist state¹⁶.

Town Law of the Kingdom of Bohemia (1579), Summa (1581) and Penalties (1582)

Town Law significantly modified residential life including town administrative and judiciary practices. This code, written in excellent Czech and supplemented in the spirit of humanist education with learned Latin sentences, contained elements of Prague, Brno, Jihlava, and Roman laws, but at the same time it also reflected the basic principles of provincial law, specifically its redaction from 1564, which did not differ significantly from the redaction from 1549¹⁷. To get an idea of how Koldín's code

¹⁵ Pavel Kristián of Koldín, *Práva městská Království českého*, Prague: Jiří Melantrich of Aventin, 1579. The issuance of the work was only approved by the land diet and the monarch in 1579 with the condition that it would only be binding for those towns that acceded to it. *Edice* cit., p. 29. The work is available at: *Edice* cit., pp. 51-416.

¹⁶ Hledíková, *Městská správa* [Town Administration] cit. pp. 222-223.

¹⁷ M. Stojan, *Ferdinandovo zřízení zemské? Porovnání českých zemských zřízení z let 1500 a 1549* [Ferdinand's Land Constitution? A Comparison of the Bohemian Land Constitutions of 1500 and 1549], «Právněhistorické studie» LIII, 1 (2023), pp. 119-148.

was prepared, it should be noted that its authors drew on previous tested legal principles and modified or added legal provisions in those cases where it was useful or necessary. The provenance of a number of legal institutes or new provisions can be traced through the study of the books of testaments, books of marriage contracts and books of markets¹⁸; I devote special attention to the medieval and early modern town chancelleries in Bohemia¹⁹. It is clear that the Town Law was a functional contemporary set of legal provisions, demonstrated by the fact that in the edition from 1618, i.e. before the fateful battle on White Mountain (1620), there are no changes compared to the edition from 1579, which I had the opportunity to verify.

Koldín's code is a truly unique work for its time, as regards its precision and timelessness, and it survived the radical measures implemented after the Battle of White Mountain, when the Bohemian state soon entered a new era of early absolutism. Prudently, the text from 1579 did not contain articles or even allusions to the religious situation, which was very complicated in Bohemia before 1620. Therefore, the code was acceptable to the Habsburgs even after 1620, when society in Bohemia was undergoing a radical re-Catholicisation. *Town Law* was amended in the 17th and 18th centuries through partial measures implemented by the sovereign and the monarch's authorities (an example is the extensive amendments to the criminal law)²⁰, functioned in

¹⁸ The Old Czech work *trh* (market) in this case is an economic term indicating a transaction with real estate. For real estate transactions in urban milieus, Czech diplomatics, respecting the terminology of the time, uses the term a *book of markets* (in Czech *trhová kniha*), for real estate transactions of subjects in villages a *land book* (in Czech *gruntovní kniha*, in German *Grundbuch*).

¹⁹ Recently, see e.g. J. Vojtišková, *Knihy kšaftů královských měst ze středních a východních Čech (Aktuální metodika výzkumu raně novověké pramenné materie)* [Books of Testaments of the Royal Towns from Central and Eastern Bohemia (Current Research Methodology of Early Modern Source Material)], in the per-review process of the journal *Paginae historiae*.

²⁰ Most recently for the topic: *Prameny k dějinám trestního práva v českých zemích v období absolutismu. Díl I. Druhá polovina 17. a počátek 18. století* [Sources for the History of Criminal Law in the Czech Lands during the Period of Absolutism. Part I. The Second Half of the 17th and the Beginning of the 18th Centuries], edd. O. Koupil, M. Koupilová, K. Malý, J. Šouša, J. Šouša jr., J. Vojtišková, K. Woitschová, Praha 2018.

its relicts until the publication of the *General Civil Code* (1811)²¹. For more than 200 years, it was a significant stabilising element of the municipal order in Bohemia, both in royal and landlord's market towns.

Koldín's *Town Law* became a necessary part not only of municipal chancelleries, but also of all estate and later monarchical offices. Officials on estates and church institutions also owned copies. To increase the impact of the work, Koldín published its summary in 1581 – the so-called *Summa*²², which omitted the Latin sentences and focused on a basic and functional interpretation of the issue. It was a prudent and enduring decision that Koldín and his assistants developed a summary which even scribes without a university education would be able to work with. The convenient pocket format of this version of *Town Law* made it an indispensable tool for many official and judicial proceedings, as demonstrated by the wear and tear of a number of extant copies in archives, museums and library funds of various institutions²³. The surviving copies of the *Summa* and the *Law* are also valuable in view of the fact that in them we find abundant annotations by scribes who variously added explanations or recorded amendments ordered by superior authorities after 1620.

Another prudent step was the publication of a set of penal measures, entitled *Penalties contained by Town Law and listed in a certain order by Jan Kristián of Koldín in 1582*²⁴. In a small press prepared by Pavel's brother Jan, a basic overview of punishments

²¹ *Allgemeines bürgerliches Gesetzbuch für die gesammten Deutschen Erbländer der Oesterreichischen Monarchie. I. Theil*, Wien 1811.

²² Pavel Kristián of Koldín, *Práva městská Království českého v Krátkou summu uvedená*, Prague: Jiřík Černý (Nigrín), 1581. The work's publication was protected by a royal privilege. *Edice* cit., p. 34, 427. The work is available at: *Edice* cit., pp. 51-416.

²³ For a list of surviving prints, which would need to be updated, see Databáze Národní knihovny ČR: https://aleph.nkp.cz/F/PHSP3KVJCFK-4PY5SI73BK912PV9H9KTL81CHS3MXBDD2N6KJHF-00651?func=find-b&find_code=WRD&x=0&y=0&request=pr%C3%A1va+m%C4%9Bstsk%C3%A1+kr%C3%A1lovstv%C3%AD+%C4%8Desk%C3%A9ho&filter_code_1=WTP&filter_request_1=&filter_code_2=WLN&adjacent=N.

²⁴ Jan Kristián of Koldín, *Pokuty právy městskými obsažené a v jistý pořádek uvedené*, Praha: Jiřík Černý (Nigrín), 1582. It is available in an edition at: *Pokuty právy městskými obsažené a v jistý pořádek uvedené skrze Jana Kristiána z Koldína léta 1582*, in *Práva městská Království českého* [Penalties Contained in Town Law

was presented; these included financial fines, loss of honour, loss of property or the imposition of capital punishment, and sometimes one than one punishment is prescribed. Under the heading of a certain form of punishment, a list of offences is detailed, which corresponds to the number of the article from the *Town Law*. Although it is possible to consider the set of *Penalties* as an important document of the progress of urban legal practice, based on the study of surviving court cases, one cannot fail to notice that notional boundaries continued to function in urban society, which created differences between the population. Since this is a complicated research topic, it is only possible to note that these factors contributed to the social inequality of the urban milieu. Despite the existence of a set of punishments for certain offences, offenders who violated the urban order more than once, were approached individually, according to their social status and according to their sympathies or the antipathy of members of the municipal court²⁵. Residents could be theoretically protected by a review of the judgment at the Court of Appeal, but since there was a fee for the judicial action, this option was not available to everyone. As can be seen from the current research, the urban population turned to the Court of Appeal mainly in matters of debt recovery and inheritance, while criminal matters usually make up a small group of the resolved matters²⁶.

and Listed in a Certain Order by Jan Kristián from Koldín in 1582, in *Town Law of the Kingdom of Bohemia*. *Edice* cit., pp. 618–622.

²⁵ Town law was a special type of feudal law. It was characteristic of feudal law that it was primarily a privilege and did not recognize or apply the principle of equality even within individual social groups. K. Malý et al., *Dějiny českého a československého práva do roku 1945*, Praha 2003, p. 91.

²⁶ E. Havlíková, *Agenda kutnoborského městského soudu postoupená v letech 1548–1620 apelačnímu soudu* [The Town Court Decisions of Kutná Hora Referred to the Appellate Court in 1548–1620], master's thesis at the Department of Auxiliary Sciences of History and Archival Studies of the Faculty of Arts of the University of Hradec Králové (hereinafter only KPVHA FF UHK), Hradec Králové 2019.

Local tools of social control to discipline the population and strengthen the urban order in Bohemia (development in royal towns until 1620)

Given the complexity of the issue, it should be noted that in Bohemia, in addition to the town law in use, the rules of urban society were also regulated by other measures²⁷. If we focus on the royal towns, initially the *royal bailiff* (in Latin *index*) oversaw the population and town order. He managed appeals at the annual courts of the king's under-chamberlain (in Latin *subcamerarius*), or over time, the under-chamberlain's assistant – in Latin *index curiae*. With the emancipation of the *conjuratores*, who were at the bailiff's hand during court hearings, the *town council* gradually emerged. By the 14th century the council took over some of the functions of the bailiff, and in the most developed towns gained superiority over him before the outbreak of the Hussite Wars²⁸. Thus, the town council gradually began to solve problems, and, judging by the surviving official material, issued individual *regulations* to solve them, which contributed to the oversight of the population. The next municipal governing body that established regulations was the urban community. Regulations were declared at its meetings²⁹. Already in the pre-Hussite era, *quarter leaders* or *quarter captains* are documented for town suburbs and town quarters in the built-up area, who oversaw the defined section and provided assistance in, among other things, collection of levies, fire protection and measures against the spread of diseases³⁰. The bailiff continued to be involved in the supervision of the urban society, after the Hussite Wars called the *town bailiff*, who

²⁷ The period of the late Middle Ages was most recently discussed by M. Čapský et al., *Reprezentace a praxe sociální kontroly v pozdně středověkých městech* [Representation and Practice of Social Control in Late Medieval Towns], Dolní Břežany 2024.

²⁸ Hledíková, *Městská správa* cit., pp. 205-208.

²⁹ Using the example of the royal town of Dvůr Králové nad Labem, this was documented by I. Wlasaková, *Registra obecního shromáždění, odkladů a obnovování městské rady a cechmistrů 1579-1633. Diplomatický rozbor a výběrová edice pramenů*, [Register of the Municipal Assembly, Adjournments and Renewals of Town Council and Guildmasters 1579-1633: Diplomatic Analysis and Selective Edition of the Source], bachelor's thesis at KPVHA FF UHK, Hradec Králové 2020.

³⁰ M. Čapský, *Instituce. Městské čtvrtě* [Institution: Town Quarters], in *Reprezentace a praxe sociální kontroly* cit., pp. 61-96.

had the main police supervision and with his assistants, among other things, supervised order during the time of the markets³¹. With the beginning of the early modern period, we record reports that *councillors* in pairs shared supervision over aspects such as, the use of weights and measures in the town, the functioning of the water system, the cleaning of the town and suburbs, the extinguishing of fires and the removal of the consequences of calamities, such as those caused by floods or high winds³².

If violations of certain rules became more frequent, this might result in the issuance of *town regulations*, in this case summary regulations, containing a list of what was required or prohibited. We have preserved this type of sources, essentially period decrees, from the late Middle Ages³³. Municipal ordinances continuously regulated the functioning of municipal society, e.g. including gambling, municipal property, the use of water in the town or fire prevention measures, and also supplemented the basic rules of town law. The municipal regulations were also read out at the meeting of the municipal community³⁴. The issued *official instructions*, which set the rules for the functioning of municipal authorities, were also important for municipal society. The instructions that appear in Bohemia in the first half of the 16th century (for now, the earliest known is from Hradec Králové

³¹ The police in the modern sense of the word were created in the Czech lands only in the last quarter of the 18th century. P. Janák, *Období přechodu od feudalismu ke kapitalismu (1740-1848)* [The Period of the Transition from Feudalism to Capitalism (1740-1848)], edd. Hledíková - Janák - Dobeš, *Dějiny správy* cit., pp. 137, 151.

³² Museum of Eastern Bohemia in Hradec Králové, Literary archive, Karl Joseph Biener von Bienenberg, *Geschichte der Stadt Königgrätz II*, manuscript copy, s. d., inv. Nr. LI/LA - 7196, p. 163.

³³ In the Central European context, the issue was last addressed by A. Kaar, *Nástroje písemné kultury. Řády a instrukce* [Instruments of Written Culture: Orders and Instructions], in *Reprezentace a praxe sociální kontroly* cit., pp. 193-201.

³⁴ J. Vojtíšková - D. Kovář, *Úřední instrukce pro správu českých královských měst v době předbělohorské (Úvod do problematiky zvláště na příkladu měst Hradce Králové a Českých Budějovic)* [Official Instructions for the Administration of the Bohemian Royal Towns in the pre-White Mountain Period (Introduction to the Issue, Especially Using the Example of the Towns of Hradec Králové and České Budějovice)], in *Instrukce služební i jiné v (raném) novověku 1526–1945*, ed. M. Macková, to be published soon.

from 1535) were issued by the town itself or, over time, especially with increasing centralisation, they were sent to towns from superior authorities. We often find descriptions of the most important ones in commemoration books so that their provisions were at hand³⁵. *Service oaths* were also used for disciplining of the town officials³⁶. The issued *guild articles* played an important role in the economic life of the town, which regulated the organisation of the guilds and contained, above all, the organisational, sanctioning and ethical norms that the members of the guild had to follow. The earliest surviving guild articles are the Prague tailors' rules from 1318³⁷. The guild articles were carefully guarded by the guild and kept in a locked guild chest, and were regularly read out at important meetings of the artisan association.

Although the measures mentioned, alongside the existing set of town law or later *Town Law*, *Summa*, and *Penalties* to further strengthen the urban order, regarding rule violations everyone was not always treated equally.

Destabilisation of the municipal order on the example of České Budějovice in the period of the second half of the 15th and the first half of the 16th centuries

In the previous sections we have presented the basic building blocks of the municipal order using the example of the royal towns in Bohemia, in a brief overview of the issue until 1620. Now we will focus on the reconstruction of the factors that were able to significantly disrupt the functioning of the urban order. As an example, we will monitor the situation in the royal town of České Budějovice, which was among the leading towns of the Bohemian Kingdom in terms of economy and culture. It also boasts a very well-preserved city archive, in which the only major gap in the surviving official material can be seen for the period of the 15th and the first half of the 16th centuries, when the

³⁵ Ibid.

³⁶ Most recently, see H. Komárková, *Nástroje písemné kultury. Příslahy* [Instruments of Written Culture: Oaths], in *Reprezentace a praxe sociální kontroly* cit., pp. 177-192.

³⁷ *Liber Vetusissimus Antiquae Civitatis Pragensis 1310-1518*, edd. H. Pátková - V. Smolová - A. Pořízka, Praha 2011, pp. 237-238.

royal towns in Bohemia experienced, the strengthening of their political power and economic progress, also called the *golden age*. It is precisely the well-preserved České Budějovice sources from this period that will be in the centre of our attention, as their exceptional informative value has so far been overlooked³⁸. Specifically, these are seven court books containing the records of real estate transactions – so-called *market contracts* (in old Czech *trhy* or *trhové smlouvy*). They were widely used by researchers, because they contain a great deal of important information about the population of Budějovice and the development of the urban area. Until recently, it was unknown that the people of Budějovice had undergone a significant internal crisis in the post-Hussite period and in the first half of the 16th century, which was associated with a decline in legal knowledge and the level of chancellery activity.

In order to understand the historical context, let us first state that in the period of the late Middle Ages, in the most advanced royal towns of the Prague legal district, judicial matters were gradually honed, for example in the case of market contracts. This process demonstrates the gradual taking over of the bailiff's competences by the town council – a process that had a different timing in each town. This took place in Budějovice in 1411, when the *book of markets capturing the contracts from 1411-1449 (-1467)* was created³⁹. The contracts were more systematically recorded in this book until the end of the 1440s, subsequently there were only 5 entries recorded in the 1450s, while the 1460s has only one entry from 1467. Since the book contains approximately 150 entries, it appears that not all changes in the ownership of real

³⁸ In this part of the text, the main findings from the research that I recently carried out with D. Kovář will be presented: J. Vojtíšková - D. Kovář, *K počátkům trhových knih v Čechách zvláště na příkladu královského města Českých Budějovic* [On the Beginnings of Books of Markets in Bohemia, Especially Using the Example of the Royal Town of České Budějovice], in *Aliam aetatem alia decet. Pomocné vědy historické ve věku postmoderní doby: tradice versus modernita*, edd. L. Martínková, J. Cukr, P. Holub, České Budějovice 2024, pp. 165-182.

³⁹ Historical demographers place České Budějovice in the category of more populous towns, which around 1400 had about 3.5-5.4 thousand inhabitants. E. Maur, *Obyvatelstvo českých zemí ve středověku* [The Population of the Czech Lands in the Middle Ages], in *Dějiny obyvatelstva českých zemí* edd. L. Fialová, P. Horská, M. Kučera, E. Maur, J. Musil, M. Stloukal, Praha 1998, p. 50.

estate, especially in the last two decades of its keeping, were entered into its records⁴⁰. While in a number of royal towns of the Prague legal district, it was common practice during the Hussite period to keep a separate book of markets in their chancellery, the Budějovice chancellery gradually abandoned this practice. This signals an obvious internal crisis. In the following lines, we will endeavour to reconstruct the events that caused the gradual decline of office activity in České Budějovice and caused the market contracts in Budějovice to become independent again in 1541, not long before the publication of *Town Law*.

Like other towns, České Budějovice's transactions with real estate were originally recorded with other court matters, as can be seen in the surviving *mixed court book from 1375-1407 (1411)*, called "*liber civitatis*". It was not the earliest book, as it certainly had one predecessor: the book mentioned in 1351 is also called "*liber civitatis*". The surviving source, which comes from the court proceedings, can be considered a book with more significant and permanent entries. This is supported by the writing material used – parchment. In the first part, the book contains testaments, real estate transfers, financial obligations of burghers and town residents, descriptions of some important deeds, etc., and in the second part the criminal matters. In the records, through forms of titling themselves, we can observe the rivalry of the burgomaster and the council with the bailiff, culminating in the end of the 14th and the beginning of the 15th centuries. The book was followed by another book from 1407, which, however, has not survived⁴¹.

⁴⁰ State District Archive of České Budějovice, City Archive of České Budějovice (hereinafter only AMČB), *Official Books 1375-1787, Kniha trhových smluv 1411-1449 (-1467)*, book Nr. 1087 (old sign. D3), pp. 50-52. In terms of the number of entries, the years that stand out are 1411, 1413, 1416, 1423 and 1439 (from 8 to 10 entries), then follow 1420 and 1429 (6 each) and in the other years it fluctuates between 1 and 5, but more often in the lower range of the two numbers. Some years are not represented at all (1435, 1440, 1445, 1452, 1453, 1456 and 1458-1466).

⁴¹ AMČB, *Official books 1375-1787, Kniha soudní 1375-1407 (1411)*, book Nr. 1085, (old sign. D1). On its analysis, see also B. Janoušek, *Nejstarší zachovaná českobudějovická městská kniha z let 1375-1407 (1411)* [The Oldest Preserved České Budějovice Town Book from 1375-1407 (1411)], in *Minulost a současnost Českých Budějovic. Studie a materiály I*, České Budějovice 1969, pp. 5-16.

The well-developed chancellery system in the pre-Hussite period is also demonstrated by the *mixed court book from 1396-1525*, which was kept parallel to the aforementioned court book for the years 1396-1407. It mainly contains records of a private law discussed at the commencement of the court, while criminal records are in the minority⁴². In the vast majority of cases, minor matters from the proceedings of the initiated court or under-chamberlain's court (held at the time of the restoration of the town council) were recorded in the book, which were recorded on – paper, a less neat lettering and a brief record of the outcome of the proceedings. While this compilation was meant to be a book of the bailiff, the town council eventually gained the upper hand⁴³.

The third type of court book already used in the pre-Hussite period is the already mentioned *book of markets from 1411-1449 (-1467)*. Its creation was the result of a long-term competition between the burgomaster and the justiciars with the bailiff in the judicial area, when the bailiff in 1416 was replaced as the top official by the burgomaster⁴⁴. The lack of references to case resolutions at the initiated court, as well as the relatively low number of resolutions throughout the year, suggests that market contracts were discussed more flexibly and were not tied to a few specific court dates. The absence of market contracts suggests that a certain group of the population continued to prefer the ceremony of the initiated court and the entry in the parchment book, while another group trusted the bailiff's paper book. However, we cannot rule out other ways of concluding contracts. The weakening of the independent records of the market contracts, especially in the 1450s and 1460s, indicates a protracted internal crisis, which we can trace through sources only in the first half of the 16th century. After the middle of the 15th century, the structure of the surviving official books changes and their number decreases, which can be considered mainly as a result of later losses⁴⁵. It,

⁴² AMČB, Official books 1375-1787, *Knihy soudní 1396-1525*, book Nr. 1086, (old sign. D2).

⁴³ B. Janoušek, *Nejstarší zachovaná českobudějovická městská kniha* cit., p. 11.

⁴⁴ AMČB, Official books 1375-1787, *Knihy tržbová 1411-1467*, book Nr. 1087 (old sign. D3), p. 16.

⁴⁵ From the last third of the 15th century, only the excise tax book, a copy of donation deeds, the income and expenditure book and the ac-

however, seems that it is at the same time a consequence of the decline of the level of the chancellery. In relation to our topic, it is obvious that the separate book of markets disappeared and the entries began to be concentrated again in the mixed court matters, in the mixed court book kept by the bailiff, in the first decade of the 16th century at the latest, as will be explained below. However, the situation from the first half of the 16th century suggests that the population at some point, at the latest in the late 1520s, had found other ways to insure market contracts.

What happened in České Budějovice that the level of chancellery activity dropped? The town went through several turbulent periods, which could have impacted the nature of the official activity, its continuity and, last but not least, on its preservation. In the 1460s and 1470s, there was a coup connected with the removal of the influential burgomaster Puklice and his partisans, who were replaced by political opponents. The subsequent transition of Budějovice to King Matthias Corvinus lasted an entire decade, and in 1525 circumstances forced a personnel change of the town council, followed by a severe split between supporters of the old and new representatives of the community⁴⁶. However, the coups themselves would not have caused such a significant drop in the level of chancellery activity, as we can observe from the situation in other towns⁴⁷. As we will demonstrate below, research into the source matter revealed another fundamental problem.

Unfortunately, no court book has survived for the period of the second half of the 15th century, but it is clear that a sepa-

counting registers of the Dominican monastery are preserved: AMČB, *Knihy úřední* 1375-1787, knihy Nr. 566, 571-573, 615, 1313 and 1415-1430.

⁴⁶ D. Kovář, *Tragédie Ondřeje Puklice. Budějovický purkmistr a jeho zavraždění 25. května 1467* [The Tragedy of Ondřej Puklice: The Burgomaster of Budějovice and his Murder on 25 May 1467], České Budějovice 2007; K. Pletzer, *České Budějovice za Matyáše Korvína (1468-1479)* [České Budějovice under Mathias Corvinus (1468-1479)], in *Minulost a současnost Českých Budějovic* cit., pp. 17-56; K. Pletzer, *Zárok Českých Budějovic proti Janu Krenauerovi z Křenového r. 1525* [The Action of the České Budějovice against Jan Krenauer of Křenový in 1525], *«Výběr»* XXXI (1994), pp. 88-93.

⁴⁷ Let us give the example of Hradec Králové, which in the 1530s went through great strife in the municipality and frequent changes in the representatives of the municipal administration. J. Mikulka, *Dějiny Hradce Králové I./2*, Hradec Králové 1997, pp. 181-200.

rate book of markets was no longer kept. The situation becomes clearer only at the beginning of the 16th century, thanks to the surviving sources. The *Book of Markets and Debt for the Town's Property from (1507-) 1508-1547(-1551)* contains records of markets of real estate and plots of land between the town council and residents of the town and municipal villages, as well as records of the lease of mills and plots of land⁴⁸. The book could be considered proof of a mature book system, when the municipal book would be separated from the book of markets. However, the opposite is true: only the mixed court records of the bailiff and the market contracts concerning the town property functioned separately. The *bailiff's mixed court book* dates from 1512-1539 (-1540), in which, based on palaeographical and text analysis, the bailiff recorded real estate transfers and various contracts of burghers, town dwellers and residents of municipal villages discussed before the bailiff⁴⁹. In 1536, Jan Petřík also made an entry in this court book, when he exchanged his house near the cloister with Jan Pěkný for his house on the market square⁵⁰. Jan Petřík from Benešov, who had a baccalaureate, is a council scribe associated with the office apparently from 1538.

In addition to the possibility of having the market contracts recorded in the bailiff's mixed court book, the practice of concluding property transactions without entering them in the books sometimes occurred, mainly through contracts in file form, usually apparently in the form of an *indenture*, a *chirograph* (in old Czech *cedule řezaná*). They have survived only very rarely, and it is not clear whether this reflects the less frequent application of this method, or rather is a consequence of secondary losses (although the specimens were received by both parties, they did not have to be stored at the town hall). We know of three such *indentures* from the first half of the 16th century, namely from 1508, 1535 and 1539⁵¹. It is significant that they do not

⁴⁸ AMČB, Official books 1375-1787, *Knihy trbová a dlužní na majetek města (1507-) 1508-1547(-1551)*, book Nr. 534.

⁴⁹ AMČB, Official books 1375-1787, *Rychtářská kniha trhů a smluv 1512-1539 (-1540)*, book Nr. 1120 (old sign. D155).

⁵⁰ Ibid., f. 352r.

⁵¹ AMČB, Old Records Office, Chronological series, cardboard 3b, letter from 22. 12. 1508, and cardboard 5, letter from 30 May 1535 and [1 October] 1539.

begin with the naming of the official and are also not protected by the authority of an official institution. Instead, only witnesses are mentioned in the text. The instalments are recorded directly on the *indentures* from 1535 and 1539, ending when the purchase amount was fully paid. Only after full payment (1544, 1545) did the town council authorise the inscription of the purchase into the meanwhile newly established book of markets, which we will now focus on⁵².

Another surviving court book is already a marked book of markets and records the actual contracts discussed from 10 January 1541, after the Christmas period, when there was traditionally no office work due to the Christmas holidays⁵³. The records from 1541 are already accompanied by information that the contract was entered into the book of markets or that the legal act took place in council (*“in concilio”*) or by the relevant burgomaster. The first council scribe of the book is the already mentioned Jan Petřík, who on the first leaves wrote down the contract from 1540 in a seemingly chaotic manner at first (e.g. on fol. 39 there is still a contract from 1533) and in this context he recorded also his contract from 11 March 1540, concerning the purchase of the garden in front of the Svinenská brána (one of the main town gates)⁵⁴, as well as the already mentioned contract with Jan Pěkný from 1536⁵⁵. We also find the contract from July 1540 regarding the purchase of municipal (town) property⁵⁶. This suggests that it was intended to register the records together with the contracts of the urban population. The basic layer of contracts in the monitored book dates to 1553, and notes on instalments date until to 1596. The book continues in a *Second book of markets* beginning in 1553⁵⁷, in which a retrospectively

⁵² AMČB, Official books 1375-1787, *První kniha trbových smluv se zápisy k létům (1529-) 1541-1553 (-1596)*, book Nr. 1221 (old sign. D117), ff. 90r a 106r.

⁵³ AMČB, Official books 1375-1787, *První kniha trbových smluv se zápisy k létům (1529-) 1541-1553 (-1596)*, book Nr. 1221 (old sign. D117).

⁵⁴ AMČB, Official books 1375-1787, *První kniha trbových smluv se zápisy k létům (1529-) 1541-1596*, f. 23.

⁵⁵ Ibid., f. 38.

⁵⁶ Ibid., f. 36r.

⁵⁷ These two books of markets thus started a continuous series of České Budějovice land books, which kept continuously until the third quarter of the 19th century. On that, cf. AMČB, Official books 1375-1787, esp. books Nr. 1123-1138 and 2646-2664.

recorded contract from 1531 can still be found⁵⁸. However, there was not only one series of books of land contracts: a *land book* for the villages belonging to the town was kept in an analogous way from 1541; it also contains retrospectively recorded entries⁵⁹. At the same time, the town chancellery established a *book of market contracts for two settlements belonging to the willed property of the parish church*⁶⁰. In addition, a special *book for recording property acquired by the municipality* was set aside; however, it was no longer kept after registering only nine entries in 1555⁶¹. This resulted in only a temporary separation of these contracts and their return to the basic series of books of markets.

The establishment of the book of markets beginning in 1541 is not accidental, as it was a reaction to protracted disputes surrounding the property matters, when dissatisfied participants in various court cases repeatedly turned to Prague's Old Town to have the local appeals bench review the České Budějovice court decision in their case⁶². For this reason the České Budějovice council and the elders of the municipality already agreed on new rules in the period before Easter 1540, which were said to have been presented by the burgomaster Kašpar Matyáš at the town hall at the municipal assembly. We learn about this from the *regulation*, which is reported on one of the first pages of the book of markets. At the same time, this regulation illustrates how contemporary society was informed about it and how it was further preserved for memory. It is also clear from the text of the regulation that before 1541, the books of markets were not properly kept, as we would expect in Bohemia for one of the most important royal towns. Within the town, it was ordered that no

⁵⁸ AMČB, Official books 1375-1787, *Druhá kniha trbových smluv (1531-1553-1570 (-1615))*, book Nr. 1122, (old sign. D118), f. 73r.

⁵⁹ AMČB, Official books 1375-1787, *Knih trbových smluv pro městské vsi 1 (1527-) 1541-1617 (-1632)*, book Nr. 1719; it is again followed by a continuous series of land books referred to as rustic and kept until the 1870s (same funds, book Nr. 1720-1729).

⁶⁰ AMČB, Official books 1375-1787, *Knih trbových smluv pro vsi Kněžské Dvory a Hlincovu Horu 1540-1653*, book Nr. 1407.

⁶¹ AMČB, Official books 1375-1787, *Desátá kniha trbových smluv 1540-1555 a 1683-1769*, book Nr. 1130, (old sign. D139).

⁶² E.g., AMČB, Old Records Office, Thematic series, Political administration, Drafts and copies (unprocessed part of the fonds), fragment of a *Draft and copy register*, ff. 9v-10r.

illicit market contracts should be arranged and that they should not be written on *indentures*. Then the rules on how to properly conclude a market contract and enter it into the official book follow. Importantly, this regulation also applied to markets that had not been properly closed in the past. If someone did not follow these principles and created confusion, the town council refused to deal with such a matter⁶³.

In the context of Bohemian chancelleries of the royal towns, the production of *indentures* and “illicit” actions in such a serious official matters suggest the search for alternatives in response to insufficient official support staff. Before Petřík’s accession, the town had only one council scribe: Mikuláš of Milíkov, who certainly worked in the office as early as 1531⁶⁴. If we compare the situation with the town chancellery in Hradec Králové, there were three council scribes working in the Hradec Králové chancellery in the 1530s. In addition, it operated a chancellery of revenue officials with its own scribal staff from 1536⁶⁵. If we accept the findings so far from the study of town chancelleries in Bohemia, which confirm that the economic and cultural development of the town as well as its population were directly reflected in the development of chancellery activities and the number of chancellery personnel, further questions arise as to what happened in Budějovice. After all, with regard to the existing knowledge of the history of České Budějovice, it was assumed that the town should already had at least two council scribes, in other words scribes who recorded the results of the town council meetings, conducted town correspondence and who recorded the matters of the municipal court, which was in the hands of the town council.

More light is shed on the problem by the wording of a missive dated 13 March 1539, in which the people of České Budějovice responded to the people of Brno’s inquiry as to whether they knew of any scribe who could speak Czech, German, and Latin. They

⁶³ AMČB, Official books 1375-1787, *První kniha tržebních smluv se zápisy k létům (1529-) 1541-1596*, f. 3r.

⁶⁴ AMČB, Old Records Office, Chronological series, cardboard 4; *Knihy náleží a právních naučení 1503-1549*, book Nr. 1100, ff. 116v-122v.

⁶⁵ J. Vojtíšková - V. Šebesta, *(Králové)hradecké městské kanceláře do roku 1620* [Hradec Králové Town Chancellery until 1620], Hradec Králové - Ústí nad Orlicí 2013, pp. 143-180, 273-290 and 363.

say that the people of Budějovice do not know of any suitable person, and that they have a shortage of educated people, because parents put even gifted boys into trades at an early age, to avoid attracting the attention of the Catholic Church and so preventing them from becoming priests. Further indication of this issue arises from the letter which states that the Budějovice town scribe – the previously mentioned scribe Mikuláš – had died a year earlier. And while a new one had been hired to replace him, he had no experience in chancellery work; he was university educated, but not officially trained. The scribe was Jan Petřík, who before that had worked as an educator at one of the leading noble families⁶⁶. Perhaps it is possible that the shortage of candidates for the position of scribe had a religious dimension. On the one hand, learned persons of non-Catholic faith were certainly not interested in going to work in the chancellery of a Catholic town, on the other hand, only small Catholic enclaves in Bohemia could be a possible source of Catholic clergy, especially towns such as Catholic-oriented Budějovice, which had not gone through a Hussite coup. It is therefore impossible to think that Budějovice lacked the potential to resolve its official matters, and one scribe was enough for them. The opposite is true: Budějovice, in short, due to the influence of external factors, struggled for a long time with a dearth of qualified personnel. One council scribe was undoubtedly not enough for the job, and over time the representatives partially gave up on completing some official tasks. Perhaps this fact also sheds light on why market contracts appear in the bailiff's mixed court book from the beginning of the 16th century and why, more than a decade before the creation of the book of the markets in 1541, market contracts were recorded in larger quantities on *indentures*, at that time already in Bohemian royal towns in a primitive way.

As already stated, regulations were written on one of the first folios of the book of markets, and it follows that the decision of the council to keep the book should have taken place in the record of 1540 (the indefinite time determination brings confusion as to why the scribe was not able to enter the event more precisely). We also already know that, based on a diplomatic analysis of

⁶⁶ AMČB, Official books 1375-1787, *Konceptář 1538-1550*, book Nr. 288, ff. 18v-19r.

the book of markets, it is evident that it does not begin until January 1541. Why with such a long gap? The answer is apparently the wording of the letter from 20 November 1540, through which the bench of the Old Town Court criticised České Budějovice during the verification of one of their judgments, and stated that the recording of markets was not properly conducted in Budějovice, and should be corrected⁶⁷. The path to the new book of markets was, it seems, only then opened. Although it cannot be definitively proven, it is possible that the Budějovice people complied with that regulation only after a strong rebuke from the Old Town bench, which would have diminished their prestige, and that they deliberately backdated their decision, which they dated to Lent. Interestingly, the councillor's manual, which recorded the council's proceedings, is missing precisely the records during the time for Lent.

Extensive destabilisation of the legal order during the Thirty Years' War

The case of České Budějovice is proof of the complex religious conditions in the Bohemian Kingdom during the 15th and first half of the 16th centuries. It can be evaluated as a local problem. A decline in knowledge and respect for town law appears to have gone hand in hand with a decline in the quality of chancellery work. This can be seen more broadly during the Thirty Years' War, when the positions of council scribes were not properly filled in a number of towns due to the exile of a number of educated non-Catholics or the lack of competent persons for this period. The chaos allowed the representatives of the town administration to abuse their authority to a lesser or greater degree, where in some instances we see quite serious cases. Perhaps the most extreme situation occurred in Hradec Králové, one of the most developed and populous towns in Bohemia before the Thirty Years' War, whose chancellery staff, was comprised of a higher number of university-educated people, who were considered experts in town law. However, the revolutionary events of the Thirty Years' War, which paved the way for an early absolutist state and re-Catholicisation, also had a heavy impact on Hradec,

⁶⁷ AMČB, *První kniha trbových smluv se zápisy k létům (1529-) 1541-1596*, f. 3v.

and thus all council scribes left around 1626. The council only filled the position of third council scribe, as no one well versed in town law was available. Until the beginning of 1628, the town chancellery did not function properly. From the reprimands that the council then gave to local teachers, it follows that during the provisional period they had been draughting the contracts for the population of Hradec Králové⁶⁸. In other words, it is as if we are returning to Budějovice in the 1520s and 1530s! That is, before the publication of Koldín's code. At the same time, *Town Law* no longer allowed this method, for example, in the case of concluding market contracts. Only the entry in the town book should have legal validity⁶⁹.

The royal bailiff⁷⁰ Jan Dyringer, who moved to Hradec in 1635 was a complicated figure. By 1640, he had already appeared among the Hradec Králové councillors. From 1645, he held the office of royal bailiff, and acted autocratically and abused his powers at every step (among other things, he recklessly expanded his property through illegal procedures, physically punished even pregnant women for trifles, which was expressly forbidden by town law, and deprived some people of their very lives). It was only in 1653, i.e. five years after the end of the Thirty Years' War, that the town council, which had already reached the limits of its tolerance, managed to arrange with the superior authorities for his suspension. As the list of his offences continued to grow, he finally committed suicide in the summer of 1655, fearing harsh punishments⁷¹.

Using Dyringer's case as an example, we can see that the end of the Thirty Years' War itself was not yet a guarantee of the restoration of the legal order. Not only in Hradec, it took a few

⁶⁸ J. Vojtišková, *Vě víru třicetileté války (1618-1648)* [In the Faith of the 30 Years' War (1618-1648)], in *Hradec Králové*, edd. Kolektiv autorů, Praha 2017, pp. 203-204.

⁶⁹ *Práva městská Království českého. Edice* [Town Law of the Kingdom of Bohemia: Edition], cit., p. 214.

⁷⁰ In addition to the town bailiff, after the rebellion of 1547, royal bailiff began to operate in the subdued royal towns, who represented the sovereign and made sure that the towns did not do anything against the king. Z. Hledíková, *Městská správa* cit., pp. 214, 217-218.

⁷¹ J. Mikulka, *Dějiny Hradce Králové II./1* [History of Hradec Králové II/1], Hradec Králové 1994, pp. 30-39.

more years before it was possible to fill scribal posts with qualified persons again. For example, scribes were newly required to know German, as superior authorities usually communicated in German. This situation was made possible by the publication of the *Renewed Land Ordinance* (1627), according to which, among other things, the Czech language was given equal rights to the German language⁷². Also due to the influence of other factors, Czech society began to slowly Germanise. It is noteworthy that the *Town Law of the Kingdom of Bohemia* were first published in German in 1701 in Brno, since it was not until 1697 that *Town Law* was binding for Moravia as well. Before that, the German translation in Bohemia was spread only through handwritten copies⁷³.

In the post-war period, *Town Law of the Kingdom of Bohemia* sooner or later became the basic framework for the order of urban society again in Bohemia, supplemented by the regulations of the *Restored Land Ordinance* and other official acts carried out in the early absolutist Bohemian state by municipal authorities or their superior authorities⁷⁴. The large number of extant copies, even if it is only a fraction of the original number, proves the necessity of *Town Law*, which was repeatedly issued. It is similar with *Summa*. The increased demand is also evidenced by the surviving descriptions of the Czech version. The code was thus spread in both Czech and German languages in printed books and manuscripts⁷⁵.

Conclusion

Town Law of the Kingdom of Bohemia is an important work of Czech legal history that reflects the erudition of its creators, es-

⁷² P. Janák, *Období od Bílé hory do nástupu Marie Terezie (1620-1740)* [The Period from the Battle at White Mountain to the Accession of Maria Theresa (1620-1740)], in *Dějiny správy* cit., p. 118.

⁷³ J. Šouša - J. Vojtíšková - K. Woitschová, *Poznámka vydavatelů k nové edici Práv městských Království českého* [Publishers' Note to New Edition of the Town Laws of the Kingdom of Bohemia], in *Práva městská* cit., p. 36.

⁷⁴ Janák, *Období od Bílé hory do nástupu Marie Terezie (1620-1740)* cit., pp. 118-135.

⁷⁵ Šouša - Vojtíšková - Woitschová, *Poznámka vydavatelů k nové edici Práv městských Království českého* cit., p. 37.

pecially Pavel Kristián of Koldín. In the second half of the 16th century, the code unified town law in Bohemia (with an overlap until 1610) and created the basic framework of the municipal order, relics of which remained in urban society until the beginning of the 19th century – until the publication of the *General Civil Code* (1811). Since the body of legal provisions significantly covered individual areas of urban life, quality research on early modern urban society in Bohemia is unimaginable without a good knowledge of the code. Therefore, the application of the normative-comparative method appears to be the way forward. In this way, we can follow the theory of *Town Law* and its implementation in practice, including the aim of researching notional boundaries in urban society. To understand the functioning of the municipal code, it is necessary to consider the wording of municipal ordinances, town regulations, official instructions or oaths and their observance, if the source base allows it. To maximise the extraction of surviving sources of judicial provenance from the period before 1579, knowledge of the development of town law and its individual branches is of course also necessary. At the same time, the application of modern diplomatic methods to surviving sources of official provenance has an irreplaceable role, since a complex and contextual analysis can bring surprising information even from solitary surviving official material. This too is one of the currently implemented methodological trends in Czech urban history.

OLGA KOZUBSKA

Quoniam anima civitatis sit ordo...

*Discourse of urban order in Kamianets Podilskyi
during the 18th century*

Abstract: This paper focused on the urban order in the town of Kamianets Podilskyi (present-day Ukraine) after 1699 following a prolonged Ottoman occupation. What makes this case especially interesting is religious heterogeneity of its population and co-existence of three communities with its own jurisdictions (urban courts and town-councils): Polish (Latin), Ruthenian (Orthodox) and Armenian. Using the published records from the books of the Magistrate of Kamianets 1529-1794 as the main source, the study highlights the challenges the magistrate faced in (re-)establishing order, negotiating its authority amidst external pressures (e.g., from the local military garrison) as well as internal tensions among the religious communities. At the same time, available written sources allow to identify words and expressions that described notions and ideas related to the urban order (or a lack of it), as well as to grasp the magistrate's vision of order and its relation to the social and political reality.

Keywords: religious diversity; privileges; urban rights; jurisdiction; royal commission.

Introduction

The idea that order is the soul of a town was expressed in a royal charter sent to Kamianets in 1723: one of the many documents dealing with urban order in the capital of Podolia. Podolia (*Podillya*/Поділля in Ukrainian) is a territory which was situated at a contested borderland between farming communities and nomads in the middle of the fourteenth century, that hosted cultural and religious diversity, and faced a continuous influx of newcomers both from the West and the East, epitomizing the meeting of worlds at the great frontier¹. This territory became the Podolian

¹ This territory emerged in the historical narrative when the Lithuanian dukes and the Polish King Casimir III the Great (1333– 1370) divided the legacy of the Ruthenian Kingdom and pushed the Tatars back to the steppe.

Principality under the rule of the Koriatovych dynasty, who were the descendants of the Lithuanian grand duke Gediminas: they granted the first urban charter to Kamianets in 1374. In the fifteenth century, after fifty years of rivalry, the region was divided into two parts: the Kingdom of Poland retained its western part, while Lithuania kept its eastern part. Kamianets became the capital of the Palatinate of Podolia in the kingdom of Poland in 1434. The geographical situation played a crucial role in the development of Kamianets and its role as a “borderland town” was recognized in such epithets as *antemurale Christianitas* and *Palatinatus Podoliae arma*. Located on the south-eastern frontier of the kingdom, the town resisted attacks of the Crimean Tatars and Ottomans; it had a powerful fortress built on a rock and was surrounded by the river Smotrych. (Il. 1.) Located two miles from the Walachian border, the town benefited greatly from the long-distance trade that ran from the commercial centers under the Ottoman control to the areas north or to the west. The *Revision of Kamianets* compiled by royal officials in 1565 noted that the town levied a custom duty on merchants “travelling from the Turks to Moscow, as well as those going to Lithuania, or to Lviv”². From 1570 to the mid-17th century, the number of inhabitants increased from 3,000 up to 10 000; and there were 16 guilds with almost 400 craftsmen: the *Revision* noted separate guilds for Orthodox Ruthenians and for Catholic Poles, e.g., shoemakers³.

In fact, the religious heterogeneity of the population was a prominent feature of early modern Kamianets, as it was inhabited by three Christian denominations each with its own jurisdictions and administrative institutions (urban courts and/or town-coun-

Over the course of 150 years this territory passed through many dominions: as a western part of the Golden Horde (the Mongol empire); a principality under the Dukes Koriatovych brothers; a land partitioned into several sections between the Polish king, Władysław II Jagiello, and the grand duke of Lithuania, Vytautas; and - after 1434 - Podillya Voivodeship (the area administered by a voivode or governor) of the Polish Kingdom, and eastern Podillya as part of the Grand Duchy of Lithuania. See: V. Mykhaylovskiy: *European Expansion and the Contested Borderlands of Late Medieval Podillya*, Amsterdam 2019, p. 1.

² *Архив Юго-Западной России, издаваемый Комиссией для разбора древних актов* [Archive of South Western Russia published by the Commission for the Study of Old Acts] (further AIO3P), V. Antonovych ed., Kyiv, 1886, part 7, vol. 2, p. 166.

³ AIO3P, part 7, vol. 2, p. 166-168.

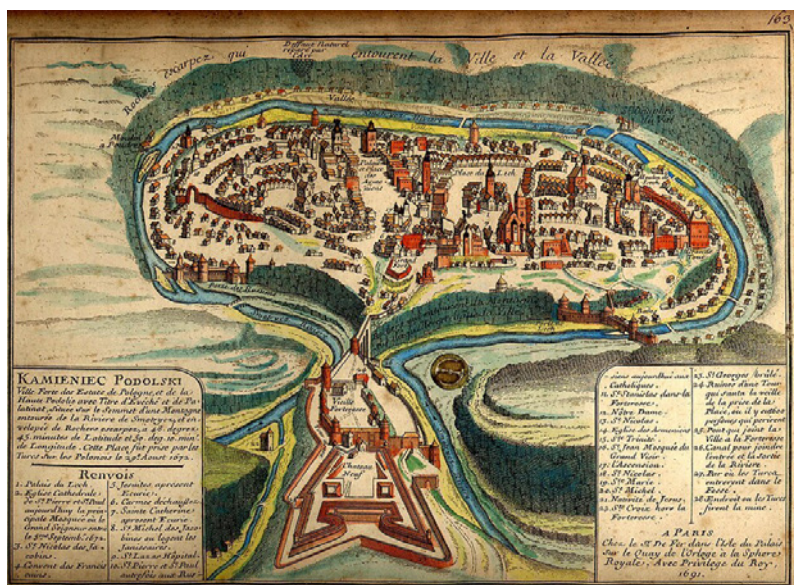


Fig. 1. Nicolas de Fer, Town-plan of Kamianets 1691. Source: Wikimedia Commons (https://be.wikipedia.org/wiki/%D0%A4%D0%B0%D0%B9%D0%BB:Kamianets-Podilskyi_map_1691.jpg)

cils): Polish (Latin), Ruthenian (Orthodox) and Armenian. Jews, on the other hand, were officially forbidden to settle there. The *Revision of Kamianets* described the town as having “triple peoples and triple laws: “Poles *autoritate preeminent* judge themselves according to Magdeburg law; Rus’ [according to] Ruthenian right and customs and have their *advocatus*; Armenians [according to] Armenian custom and have their *advocatus*”⁴. The Polish (Catholic) jurisdiction had a dominant position, and typically represented the town in its external contacts. Moreover, it was the Polish magistrate that took care for the order: burghers of Kamianets “did not pay any taxes from their houses to the castle, but collect a special tax for the watching guard (*strożne*) from every house and bring it to the councilors of the Polish town-hall as to those who keep the order in the town”⁵. Urban topography also reflected this three-partite division of the population with separate town halls and Armenian,

⁴ See: AIO3P, part 7, vol. 2, pp. 165–66.

⁵ AIO3P, part 7, vol. 2, p. 166.



Fig. 2. Cyprian Tomaszewicz, Coats of arms of Kamianets, 1672 (fragment). Source: Wikimedia Commons (https://commons.wikimedia.org/wiki/File:Kamieniec_Podolski_litografia_1672.jpg)

Polish and Ruthenian markets⁶. **(II. 1)** Kamianets as “the town of three nations” was visualized on the plan made in or after 1672 by Cyprian Tomaszewicz, a member of the local town-council. Here, three coats of arms represented the three communities: St. George killing the dragon (Poles), St. Peter (Ruthenians) and the Lamb (Armenians). **(II. 2)** But, at the time, when the town-plan was made (1672), this was no longer true because the Ruthenian jurisdiction had been incorporated into the Polish. Thus, only two jurisdictions remained at the time, when the town was occupied by the Ottomans in 1672. It stayed under the Turkish control till 1699 and was returned to Poland after the treaty of Karlowitz, which marked the end of the Great Turkish War. Finally, the fortress in Kamianets with its numerous military garrisons, together with members of nobility, clergy and ecclesiastical institutions, contributed to the social heterogeneity in the town.

Being a religiously and socially complex urban milieu, Kamianets offers a possibility to see how urban authorities dealt with

⁶ A detailed study on the historical topography of Kamianets see: M. Petrov, *Historical Topography of Kamianets-Podilsky. The end of XVII-XVIII centuries. (Historiography. Sources)*, [in Ukrainian]. Kamianets-Podilskyi, 2002.

the order⁷, how the order was understood and described in the documents, and what discursive practices and rhetorical devices were applied to protect it. Chronologically the focus is on the period from 1699 (end of the Ottoman occupation) until the 1793 (the annexation by Russian empire). Most of the sources quoted here belonged to the archive of the magistrate of the Polish (or Polish-Ruthenian) jurisdiction, and therefore represent mainly the views of the Polish magistrate, their strategies to establish order, and the way they legitimized their actions⁸. At the same time, the disagreements and confrontations the magistrate was tasked with solving also reveal alternative views both inside of the town as well outside of it. In contrast to the political language of the ruling group⁹, i.e. of the nobility of Polish-Lithuanian Commonwealth, the discourse of the urban communities did not attract much attention from historians. Indeed, texts produced by the magistrates, especially those of the provincial towns might not be the richest source to investigate political discourses, as they belong to the genre that could be defined as “practical writing”. Still, available documents from Kamianets, both produced and received by the town council, allow for us to identify the main “key words” related to the urban order (or a lack of it), as well as social, economic or political aspirations of the town dwellers (and eventually of their opponents).

⁷ On social order in Kamianets see: J. Heyde, Kamieniec im späten Mittelalter – Entwicklungslinien sozialer Ordnung in einer Migrationsgesellschaft, «Zeitschrift für Ostmitteleuropa-Forschung», 71(2022): pp.327-358.

⁸ These documents originated from the books of the magistrate of Kamianets 1519-1794 published in the series of 8 parts and 35 volumes under the title *Archive of South Western Russia published by the Commission for the Study of Old Acts* (AIO3P as quoted before) and printed in Kyiv during 1859—1914; particularly the Part 5, volume 1: Акты о городах (1432–1798) [Acts of the towns (1432–1798)], V. Antonovych ed., Kyiv, 1869

⁹ J. G. A. Pocock, *The Concept of a Language and the métier d'historien: some considerations on practice*, in *The Languages of Political Theory in Early-Modern Europe*, ed. A. Pagden, Cambridge, 2009, p. 24.

Restoring Order and Ordering the Inner Life

The Polish–Lithuanian Commonwealth recovered Podolia with the fortress of Kamianets-Podilskyi in 1699 and the Polish troops entered the town on September 22, accompanied by members of the Latin clergy¹⁰. The first step in restoring order was to return the Christian character to the town that was seen as *antemurale Christianitas* in Poland. Among the measures deemed necessary were: the elimination of Turkish burials, the re-consecration of churches (some of which had been previously turned into mosques), and the crowning of the minaret built in front of the Latin Cathedral with a figure of the Virgin Mary¹¹. (II. 3) Interestingly, the minaret itself has been left intact, thus making this Cathedral probably the only Christian church with a minaret in front of its facade¹².

The Sejm issued a special constitution under the title “Liberation of the Palatinate and the town of Kamianets” in 1699: it recognized the damages made to the land and particularly to the town during the years in *possessione hostili*, and liberated the whole Palatinate from taxes and payments for ten years¹³. Additionally, the town was released from all military duties (such as housing soldiers, military exactions, and so on) for the same decade. The fortress in Kamianets had to be restored and reinforced. Among urgent tasks was the inspection of buildings and [re-] establishment of property rights. Thus, a special commission was organized for Kamianets in 1700 with the purpose of examining “the debts, the order, and the complaints,” urban privileges, incomes from the royal estate and revenues coming

¹⁰ R. Król-Mazur, *Odzyskanie przez Rzeczypospolitą Kamieńca Podolskiego w 1699 r.* [The recapture of Kamianets-Podilskyi by the Polish-Lithuanian Commonwealth in 1699] in Університет. Історико-філософський журнал, 11-12 (2006), pp.77-93: 86.

¹¹ The minaret was renewed in 1756 and the wooden statue was replaced with a copper gilded sculpture of the Virgin Mary standing on a globe and the Moon crescent. See: M. Petrov, *Historical Topography* cit., p. 53.

¹² R. Król-Mazur, *Odzyskanie* cit., p. 87.

¹³ “Lybertacya Woiewodztwa y miasta Kamienca podolskiego” in *Volumina Legum: Prawa, Konstytucye y Przywileie Krolestwa Polskiego, y Wielkiego Xięstwa Litewskiego* [Volumina Legum: Rights, constitutions and privileges of the Polish Kingdom and the great Duchy of Lithuania], ed. J. Ohryzko, vol. 6, Petersburg, 1860, p. 35



Fig. 3. Latin Cathedral of St Paul and Peter in Kamianets. Photo by Bohdan Repetylo

from the town, disputed ownerships and all other types of inner conflicts¹⁴. Following the detailed inspection of Kamianets (public and religious buildings, houses, shops, plots/parcels, etc.) carried out in 1700, apart from the minarets and Turkish bathes, the Ottomans built a big *khan* (an urban *caravanserai*) located on three plots that originally belonged to three noblemen¹⁵. However, in general, the building fabric was heavily destroyed during the occupation: according to some estimations, there were about a hundred of undamaged citizens' houses left in 1700, in contrast to 904 in 1672¹⁶.

¹⁴ AIO3P, part 5, vol. 1, pp. 181-86. This source mentioned a conflict (*controversia*), which proved the continuous presence of Ottoman merchants in the town, after the occupation was over. The Turks, who as foreigners had no rights for the retail sale of goods, were seen as competitors by local Armenian merchants. Armenians demanded to expel them. Nevertheless, the commission decided to keep the aforesaid Turks in the town and even granted them free trade under the condition of their "modest behavior": *praefatos Turcas conservandos esse arbitramur et liberam ipsis mercaturam concedimus, ita tamen, ut se modeste gerant, neminem confundere audeant*, see: AIO3P, part 5, vol. 1, p. 185. The presence of Muslims as well as Jews made the religious composition of urban dwellers even more complex.

¹⁵ AIO3P, part 7, vol. 1, p. 560.

¹⁶ Petrov, *Historical Topography* cit., p. 22.

The above-mentioned constitution of 1699 confirmed all the *privilegia, immunitates, praerogativas ac decreta* granted to Kamianets as well as reestablished its yearly fairs. Moreover, considering the previous decrees of 1598, 1659 and 1670, Jews were (again) forbidden to settle in the town, and were not allowed to stay there longer than 3 days, or they would risk facing penalties; the task to control Jewish presence was entrusted to the local royal representatives¹⁷. Apart from traditional anti-Jewish policy in Kamianets, we see for the first time a similar prohibition aimed at the Orthodox population, which, in fact, constituted one of the “three nations” here (i.e., Ruthenians). “People of Greek religion *disuniti* cannot live in the town” stated the “Liberation” reflecting the current situation in the religious sphere¹⁸. We do not know who exactly added this passage¹⁹, but it is possible to speculate that this restriction was used to further the unification policy of the Poles, assuming that Uniat Ruthenians would be more willing to accept the union with the Polish magistrate. Elimination of Ruthenian autonomy was one of the steps in the concentration of authority over the town undertaken by the Polish magistrate. However, this unification was not readily recognized by local Ruthenians. Beware of separatism, was a phrase that the

¹⁷ Originally not tolerated in the town, Jews found their shelter here during the Khelmyskyi Uprising 1648-57, after which, despite all the royal rescripts, they resisted to being removed. The arrival of the Turks shortly after meant a possibility for Jews to legalize their status in the town and freely professing their religion and commercial activity. See: D. Kołodziejczyk, *Ejalet Kamieniecki. Podole pod panowaniem tureckim 1672-1699*, [Ejalet of Kamianets. Podolia under the Turkish rule 1672-1699], Warszawa, 1994.

¹⁸ *Volumina Legum*, cit., p. 35. When Podolia was still under the Ottoman occupation, the Union of Brest took place in 1695-96, and a part of the Orthodox hierarchs accepted the authority of Rome maintaining Eastern Orthodox liturgical practices at the same time. This led to the formation of the Uniate Ruthenian Church, while a part of the Orthodox clergy remained faithful to the Eastern/Greek Right (i.e., *disuniti*).

¹⁹ This statement showed that the attitude towards the Orthodox population of Kamianets was ambivalent to say the least. King August II the Strong in his letter from the same 1699 year to the members of royal commission, who were supposed to restore the order in the town, clearly defended this religious group: “people of *ritus graeci* (according to the law and constitution) should be protected from any violence, and especially the clergy of *eiusdem rithus graece* should be kept in their previous rights and possessions.” See: R. Król-Mazur, *Odzyskanie* cit., p. 87

magistrate wanted to include in the parliamentary constitution in order to legitimize this incorporation *post-factum*. How exactly the magistrate planned to deal with non-Latin citizens can be demonstrated in the instruction handed to an envoy, a citizen of the town known as Andrzej Zwolinski, who was sent with the petition to the senators of Podolia in Warsaw before the General Assembly (Sejm) in 1702²⁰. His task was to persuade the noble senators to include into the upcoming Sejm *constitutions* [i.e., decisions] a number of issues, one of which was to ensure that “Rus’ (i.e., Ruthenias) of Kamianets obey the Polish law,” that is to remain united with the Polish jurisdiction²¹. Another paragraph was related to Armenians: using the financial means given to him, the envoy was ordered to look up the rights of Armenians in *Metrica Regni Poloniae*²², and, particularly, whether they were allowed to keep their shops in the Polish market in the town²³.

Apparently, either the envoy did not find anything, which would help to expel the Armenians from the central market square, or the magistrate did not have the power to enforce it, and they had to negotiate the matter after all. As a result, they issued a joint *laudum* (a resolution) in 1706 consisting of ten paragraphs: the first five paragraphs dealt with the market stalls which going forward had to be proportionally divided between Poles and Armenians. Furthermore, the sale of alcohol beverages was not allowed there, it was not permitted to set fire, and nor was it permitted to trade on Sundays and holidays. The next part concentrated on the security (water to be kept in appropriate volume; no hay was to be stored in the roof space, and night guards were to be installed along with their munition and their payment derived from a stipend collected from every market stall, shop and house. The guilds “must have their order as used to be before” thus again referring to the previous state of affairs²⁴. This was one of the first documents dealing with urban order issued after 1699 and reflected the views of both Polish and Armenian

²⁰ AIO3P, part 5, vol. 1, pp. 203-205.

²¹ Ibid, p. 204.

²² *Metrica Regni Poloniae*: a register of acts, documents and letters issued by the royal chancellery. Books of the register were kept from the early 15th century till 1795.

²³ Ibid, p. 203.

²⁴ AIO3P, part 5, vol. 1, p. 227.

jurisdictions. In terms of discourse, the *laudum* represents an example of “practical writing”: it is written in a plain language and dry listing of the necessary actions expressed in short and simple sentences. In other words, there are no traces of rhetoric figures or elements of political discourse, with the exception that unanimity in reaching agreements was underlined twice. Unity in reaching agreements belonged to traditional discourse of magistrates in general, though it had an added value in a multi-religious town as Kamianets, where the two magistrates competed with each other.

Generally, the first decade after the major break demonstrated that the main goal related to the order was to re-establish the previous status. Also, visual symbols of the Christian town had to be returned while the signs of the Ottoman/Muslim presence eliminated. The king restored all privileges granted to the town by his predecessors hoping to revive and repopulate the town. In general, the reestablishment of the previous order, along with the restoration of the economic and political status of Kamianets dominated the discourse and was supported by all actors (the king, the parliament, royal dignitaries from the local nobility and town dwellers), though views on how to accomplish this and how the re-established order should look like differed.

Unanimity was certainly of great value not only for rhetorical purposes, but in real life, when the heterogeneous urban population tried to protect their common interests, so that both the Polish (or Polish-Ruthenian) and Armenian magistrates acted in accordance. This was the case in 1712, when “according to the agreement of all jurisdictions: Polish, Ruthenian as well as Armenian” two envoys (one Armenian and one Pole) were sent to the general assembly (*Sejm*) in Warsaw²⁵. The books of the Kamianets magistrate contained a so-called “instruction” given to the

²⁵ Towns in Poland-Lithuania typically did not possess political rights and were not part of the “three estates of the Sejm”: the latter comprised the king, the Senate consisting of high officials (both ecclesiastical and secular), and the Chamber of Deputies of lower officials and representatives of the nobility (pol. *szlachta*). To pass a valid *constitution* (this is how resolutions of one *Sejm* was called), the consent (*consensus*) of the three estates was necessary. Therefore, town councils sought noble or ecclesiastical members of the parliament who could put forward their matters and, ideally, secured that a favorable decision was included into *constitutions*.

envoys advising them “not to act privately to the detriment of whichever jurisdiction, but to put all their strength together for the integrity and benefits of the town”, and supplied them with a list of problems the community had to resolve²⁶. The text of the instruction expressed concerns regarding urban rights and the necessity to approve all the privileges granted by the kings to Kamianets, liberations from taxes (e.g., *czopowego*²⁷) and tolls, or renewal of a yearly fair as well as the staple right for all foreign goods ‘according to old customs and constitutions’²⁸. It appears that one of the dangers to the urban order involved the property rights of town houses and plots of land lost *cum praeiudicio* and *ad mallam informationem* to noblemen and clerics, specifically of the real estates that had fallen out of urban jurisdiction due to the escheat (*ius caducum*, pol. *prawo kaduku*)²⁹, or due to the inability to pay off debts. There was also a jurisdictional conflict with the local royal representative (burgrave): the urban authorities wanted to prohibit summoning town dwellers to other legal courts except their own while “his majesty (burgrave) took it upon himself to rule on cases falling under urban law, and, sent convicts to the town for the execution of sentences”. Additional matters included economic issues such as the possibility of “free cutting of wood in royal forests so that the townspeople could obtain wood without any restriction for buildings and heating”³⁰. At the end, the magistrates expressed a need to appoint another royal commission to investigate the matters because “the grievance and harm inflicted on the rights of the town” from the side of the noble dignitaries were too numerous to list in writing.

Concerns expressed in the instruction repeated the issues mentioned in the earlier documents, such as renewal of the urban privileges or freedoms from taxes. Special attention was again paid to the property rights (a task of the royal commission

²⁶ AIO3P, part 5, vol. 1, pp. 249-50.

²⁷ *Czopowe* was a tax introduced in the second half of the 15th century on the production, import and sale of alcohol beverages.

²⁸ Ibid.

²⁹ That is a transfer of the real property of a person who has died without heirs to the crown or state. The king can subsequently grant this property to a clergyman or a noblemen: for instance, six town plots in Kamianets were given to certain noble Holsbrynk, a general of the royal post.

³⁰ AIO3P, part 5, vol. 1, p. 250

back in 1700): loss of the urban property to non-citizens meant the erosion of urban authority and urban jurisdiction. The latter was also directly undermined by the local royal representatives who judged voluntarily urban subjects. Referring to the endangered “integrity and benefits” of their town, urban authorities used expressions like “prejudice done to the town” and “injuries inflicted on urban rights”, which became a standard form of wording when speaking of urban order or rather the lack of it.

Looking at the persuasive techniques applied in the text, we can see the application of a dramatic contrast between the imagery of destitute and “impoverished citizens” suffering from all kinds of injustice at present, and the idealized town’s wellbeing with its privileges and rights observed. Discourse firmly connected the order to urban rights, while its opposite (un-order) was represented by all kinds of *praejudicio*, violation and harm inflicted on the privileges.

Inner communal order and problems of co-existence

Instances of cooperation between the Christian religious communities (“internal” actors) did not prevent competitions or tensions between them. In 1703, several town councilors of Orthodox faith (*consules ritus graeci*) were reported to have held secret meetings and were accused of separatism. As followed from the records in the office of burgrave, they were said to be “acting against *privilegia et constitutiones* granted by the kings, and demonstrating disloyalty”. Ruthenian members of the town council held separate and secret meetings in private houses³¹. According to the Polish magistrate, this posed a threat of infidelity that was especially dangerous in the “borderland town” in the time of turmoil. Appealing to the royal official, a metaphor of a “besieged fortress” that should raise the sense of urgency and fear (literally “it is necessary to be afraid of betrayal”) was utilized, so that a burgrave would side with the magistrate and use his power to return the “separatists” under the control of the magistrate. As mentioned earlier, these conflicts originated from the attempts to effectively control the order in Kamianets by

³¹ AIO3P, part 5, vol. 1, p. 209.

the Polish magistrate and, if possible, to eliminate competitive political actors inside the town.

The year of 1719 brought a lengthy and expressive statement from the Polish burgomaster, a certain Mikolay Pawlicz, against his Armenian co-citizens and their separate jurisdiction³². The text started with a stark juxtaposition of the two sides: the burgomaster himself, who “*ex officio suo* was obliged to guard all the rights, privileges, prerogatives and freedoms of the town and its citizens”; and the Armenian community described here as “wanton subjects and restless heads, who guard their private interests and care nothing about the public ones” pushing the town to decline. It is necessary to note that the notion of “public good” or *bonum commune* appeared often, when there was tension in the town. Local Armenians were ascribed the role of hostile foreigners who, “even though not knowing local laws, succeeded in taking over the Poles, destroying the Polish jurisdiction, and gaining control over the government of this borderland town in an attempt to rule solely (*absolute*)”³³. We learn from text that the Armenian magistrate headed by Stefan Milkonowicz was determined to keep their jurisdictional autonomy, and, not recognizing the authority of the Poles, “organized private gatherings to the detriment not only of the town, but the whole kingdom” and “issued their private *lauda* and declarations *cum praejudicio* to the poor people, against the law and constitutions, and *contra commune civitatis*”³⁴. The very existence of the Armenian self-governing institutions was depicted in this document as a major blow to the urban order, “contemptuous of God, conscience and public law,” and a cause for “significant *inconvenientia* and numerous *praejudicia*”. Though political separatism appeared to be not the only problem: Armenians established separate guilds thus diminishing the profit of Polish citizens, produced and sold alcoholic beverages in their houses, traded not only in luxury Turkish and Persian goods, but also in cheaper metal items, thus taking away the means of living from Polish craftsmen and, subsequently, “more and more leading to the ruin and destruction of the Polish nation.” By issuing decisions regarding plots and parcels in the

³² AIO3P, part 5, vol. 1, p. 278.

³³ AIO3P, part 5, vol. 1, p. 278.

³⁴ The majority of documents were written in Polish with numerous insertions of Latin expressions. AIO3P, part 5, vol. 1, p. 279.

town (for which only the urban court was qualified), the Armenian court supposedly wanted to take over the whole town, and, at the same time, to exclude “the poor Polish burghers that were of insignificant number (literally “a handful”) and were of meagre fortune”³⁵. The Polish burgomaster certainly hyperbolized on a grand scale, since because Poles belonged to the majority in Kamianets and could hardly be driven away by Armenians. As a rule, Armenian communities in Ruthenian towns were not very large, but, indeed, Armenian merchants trading in “oriental goods” belonged to the richest citizens everywhere in the kingdom. However, the presence of an autonomous religious group within the town weakened the central power of the urban authorities and did not match their concept of ideal urban order. The text revealed yet another rhetorical contrast: that of “wealthy and ignorant Armenians, who could not even read or speak Polish” and of “poor and begging for justice Poles”³⁶. If we set aside the dramatic imagery, the accusations of the Armenian community could be reduced to rather trivial issues: Armenians occupied some stalls and shops near the town-hall, but refused to pay the rent and to contribute to the reparation of the roof and walls, or they stopped financing the maintenance of the tower clock needed by the whole town. This episode illustrated an unsuccessful attempt to concentrate the power in the town in the hands of one (Polish) magistrate by subjugation of the Armenians: this task would be accomplished much later in 1890³⁷. The texts revealed what key words (e.g., *inconvenientia* or *praejudicia*) and persuasive technics (e.g., dramatic contrast, sense of urgency, exaggeration, metaphor) were applied to depict the un-order in the town, and to justify the ways undertaken by the magistrate to amend this. In addition, declaring themselves as acting *pro bono commune*, the burgomaster automatically ascribed selfishness to his opponents, and further legitimated his actions.

On the other hand, the Ottomans still living in Kamianets after the occupation seemed to be a lesser problem for the Pol-

³⁵ AIO3P, part 5, vol. 1, p. 279.

³⁶ AIO3P, part 5, vol. 1, p. 281.

³⁷ In 1890, after the dissolution of the Armenian magistrate, the Armenian town-hall was given to the garrison, and rebuilt to adapt to their needs, in particular to accommodate the troops. See: M. Petrov, *Historical Topography*, cit., p. 191.

ish magistrate. This, however, did not mean that their presence was tolerated. An instruction from 1724 demonstrated that the task of another envoy of Kamianets sent to Warsaw was to secure the affirmation of urban rights (specifically a privilege related to taxes) in the parliamentary constitutions, and to lament about misery of the town in hope that the Sejm would recognize the necessity to “expel people of the Turkish lands who came to live in Kamianets and replaced the descendants of previous citizens”³⁸. Most likely the Turks of Kamianets were not subjected to the urban authorities: this was also hinted by the decision of the royal commission back in 1700, when several of Muslims were allowed to stay in the town, despite complaints of the citizens. The Polish magistrate used this occasion also to settle their jurisdictional problem with the Armenian community and ordered the envoy “to take care of the Armenians joining our jurisdiction”³⁹. Because the main contact person was the bishop of Kamianets residing in Warsaw, the document strategically put forward problems that were better resolved with the help of the high Church official: the magistrate mentioned town plots unlawfully usurped by a local Catholic priest, or the local Jesuits who settled people and built a tavern on lands that belonged to the town. Having a limited number of recipients, these type of documents dealing with urban order were typically written in a plain language with few discursive devices. They, however, expose these types of problems the Polish magistrate had to deal with and the ways in which they to resolve them.

All of the mentioned documents reveal how the magistrate, as the main urban actor and authority, conceptualized the urban order, and the ideal models. This would be a strong and centralized urban government capable of unifying the community and of controlling urban territory, commerce and production. This seemed to be a rational concept taking into account a gradual weakening of urban institutions in Kamianets, decreasing space under urban jurisdiction and constant encroachment of the “external” actors be it members of nobility and local royal dignitaries, clergy or military officers from the Kamianets garrison. On

³⁸ In fact, the envoy was sent to Warsaw to meet the bishop: the latter was supposed to bring the appeal of Kamianets before the parliament. See: AIO3P, part 5, vol. 1, pp. 303-304

³⁹ AIO3P, part 5, vol. 1, p. 304.

the other hand, taking into account the heterogeneous character of the population, the urban order based on such a unity was hard to achieve. Therefore, the Polish magistrate had to negotiate with the opponents on occasion, or confront them directly. In terms of the political discourse, documents related to inter-communal and inter-religious antagonisms introduced the notion of “common good” or “public interest” allegedly neglected by the opponent. In them, the magistrate presented itself as caring for benefits of the whole community, *pro bono publico*, supporting their claims with royal privileges and appealing to the parliamentary constitutions. In exaggerated contrast, the opponents, be it Ruthenians or Armenians, were typically characterized as egotistic, ungrateful and disloyal to the order represented by the magistrate. They were not only accused of being focused on their private interest (instead of public), but also as being a threat to the very existence of the community. The Polish burgomaster even viewed Armenians as having aspirations for the absolute (i.e. centralized) power in the town, as well as the elimination of Poles, and, therefore, a total destruction of urban order. The persistent emphasis that the order was being destroyed in a ‘frontier town’ located next to the threatening Ottoman Porta added a sense of urgency and further dramatized the discourse⁴⁰.

The Town, the Starosta, the Jews

Among the most important “external” actors the town had to deal with was the administrator of royal estates (*starosta* in Polish or *capitaneus* in Latin⁴¹) and other dignitaries of local royal ad-

⁴⁰ This idea of the “borderland fortress” is connected to the concept of *antemurale Christianitatis*: here, Christianity is defended against a threatening “pagan” other. See: J. Heyde, *Kamieniec...*, p. 323. More on that: P. Srodecki, *Antemurale Christianitatis. Zur Genese der Bollwerksrhetorik im östlichen Mitteleuropa an der Schwelle vom Mittelalter zur Frühen Neuzeit*, Husum 2015.

⁴¹ Called *capitaneus* in Latin, he was a governor appointed by the King, a royal representative and administrator of royal property. In Kamianets, he was called *capitaneus terre Podoliae generalis* or *capitaneus Camenecensis terrarumque Podoliae generalis*. In the 17-18th centuries, this dignitary was often titled the general of the Podolian land. See: *Urzednicy podolscy XIV-XVIII wieku. Spisy* [Podolian dignitaries of the 14th-18th centuries. Lists] eds., J. Kurtyka et al, Kornik, 1998. pp. 114, 124, 130.

ministration (e.g., burgrave) who used to intervene in the life and order of the community. Kamianets was a royal town. Therefore the king arbitrated the conflicts between the community and his dignitaries by issuing orders to local royal officials, or by appointing a commission to investigate a problem *in situ*, hence helping to restore/establish the order. Earlier, the royal commission was discussed, which was headed by the *general* of Podolia; also, the town envoys were often sent to Warsaw with the petition to organize another royal commission for Kamianets.

Kings demonstrated their sincere interest in the urban order as we can see from the charter issued by August II the Strong (of Saxony, the elected king of Poland-Lithuania from 1697 to 1706 and from 1709 until his death in 1733) in 1723 and quoted in the title of this paper. In fact, documents produced by a royal chancellery appear to be the most fruitful sources for a study of discourse of urban order in Kamianets. Responding to the appeal of citizens, the king declared his intention to establish the order in his town of Kamianets, which was recognized as “the metropolis, the ornament and the bulwark of the kingdom”. Among the necessary measures were: confirming all urban rights, returning profits from a mill erroneously taken away by royal commissioners, forbidding Jews and all kinds of foreign persons without citizenship (*extraneaeque personae, jus civitatis non habentes*) to practice trade and crafts to the detriment of the citizens, establishing a military confraternity in the town, to name a few⁴². The text of this charter mentioned the word “order” several times, the most eloquent was the above quoted sentence of “the order being the soul of the city.” Here again we find a reference to the previous state and “old customs”: the good order had to be (re-) established *juxta antiquum morem et privilegia*, while the new customs should only those *ad bonum ordinem spectantes*. Here again the order was associated with the rights and privileges granted to the town by the predecessors of August II. In fact, these rights and privileges were seen as fundamental to the urban order, and the violation of the urban rights was seen as the violation of the order. That is why the magistrate used every possibility to confirm and re-confirm urban privileges and to include them into parliamentary constitutions.

⁴² AIO3P, part 5, vol. 1, pp. 290-92

Unfortunately, neither royal benevolence, the ideal of good order expressed in the charters, nor inclusion in the parliamentary constitution, guaranteed implementation. These measures did little to protect the town's rights and privileges on a local level from encroachment by neighboring land lords, ecclesiastical institutions or military commanders. And the royal decree from 1725 issued by August II and addressed to the *starosta* of Kamianets aptly illustrates the problem⁴³. This decree was the answer to the *supplica* sent by the town-councilors of Kamianets with repeated complaints, which the king listed as follows: "despite laws, privileges, rescripts and constitutions that serve our town of Kamianets, Jews still lived in the town and distilled beverages, opened shops in the households of local noblemen and clergy, sold textiles and spices and caused all sorts of prejudice to the urban population"⁴⁴. The king concluded that this took place with the permission of the *starosta* or his deputy and added the following admonition: "...we absolutely want to have it, that Your loyalty would prevent the town from being destroyed and further devastated, and would preserve the town of Kamianets ... in its rights and privileges" otherwise the officials would not fulfill their the duties for the king⁴⁵.

However, encouraging "unlawful" commercial activities of local Jews was only one part in the long list of the encroachments on urban order. The *starosta* himself imposed at will charges, took away plots of land that belonged to the town, which not only ruined or constrained burghers, but also violated rights and privileges granted to the town. He was accused of putting prisoners into the town prison and demanding that the magistrate execute them. This coincides well with the earlier complaints recorded in 1717 by Mikolay Pawlych, then the head of the urban court, about the burgrave (*vice-capitanens*) bringing prisoners and

⁴³ It was addressed to noble Jan Stanislaw Kątski, the *general* of the Podolian lands and the *starosta* (*Lat. capitanens*) of Kamianets and, in his absence, to Nikodem Kazimir Woronicz the judge (*iudex castri*) of the castle court (*iudicium castrense*) in Kamianets and a deputy *starosta*. See: AIO3P, part 5, vol. 1, p. 314.

⁴⁴ AIO3P, part 5, vol. 1, pp. 314-15.

⁴⁵ A translation from Polish run as following: "that is why we will ask your loyalty and we absolutely want to have it, that Your loyalty would prevent the town from being destroyed and further ruined."

convicts to Mikolay's own home due to the deplorable condition of the urban prison⁴⁶. Ironically, the complaint was aimed not against the burgrave, but against the members of the magistrate (i.e., fellow town-councilors), who refused to support his claim and thus were described as "not caring for the common good, seeing the great oppressive acts of the burgrave of Kamianets against the complainer and the entire town".

As followed from this text, the king supported the idea that rights and privileges were the foundation of urban order, and explicitly ordered his officials to see that "the town got no *prejudicium* in any of the paragraphs of its rights from anyone", and that no one dare to usurp urban lands. The royal charters are full of references to "rights, privileges, rescripts and Crown's constitutions serving our town of Kamianets" making it clear that everything that violated these rights and privileges violated also the order. At the same time, these documents became yet another proof of the weakened role of the king in Poland-Lithuania and his inability to protect the town from the abuses of state officials: under such circumstances, royal privileges proved to be unreliable support to the urban order.

Indeed, the admonition of the king did not produce the necessary effect on the *starosta*, so that the magistrate had to bring their case to the Sejm once more. In 1737, the envoys from "the three orders" of the town (*a tribus ordinibus* that is of Poles, Ruthenians and Armenians) brought an appeal to the *wojewoda* of Sandomierz begging him for help and listing their problems, which were described as unbearable: "not only were the Crown's constitutions broken and the cry of poor citizens from old prejudices ignored, but the new complications were underway"⁴⁷. As followed from this text, yet another royal commission arrived to the town and probably took the side of Jews: the noble commissioners were ordered to tolerate the Jewish presence in the town "according to law", which was interpreted by citizens as a

⁴⁶ The document added some vivid details to the whole story: the burgrave personally escorted convicted criminals to the home of Mikolay Pawlych (who was absent at that time), but Pawlych's wife alone was able to resolve the situation by expelling the criminals from their home. The burgrave, humiliated in such a manner, went to look for Pawlych determined to arrest him. See: AIO3P, part 5, vol. 1, p. 272.

⁴⁷ AIO3P, part 5, vol. 1, p. 323.

new, heavier and previously unheard burden⁴⁸. Indeed, the earlier documents confirmed the traditional prohibition for Jews to stay in the town longer than three days, but apparently, the commission found the arguments to overcome this.

The text from 1737 exposes a range of devices in depicting how the urban order was being ruined. First, we can see a dramatic picture of enormous sufferings of “the poor citizens” from prejudices (both old and new); second, the order was destroyed through the obliteration of the state constitutions, or, in other words, of the urban privileges confirmed by the Sejm and the king; third, the previous condition (already difficult) was contrasted with the present day, when it became absolutely unbearable. Rhetorics used in the opening and concluding remarks of the letter (1737) served the same purpose: the petition was given “with great adoration at the feet of our great and gracious Sir.” Listing their complaints, the citizens “humbly and weepingly asked, if he could possibly deign to keep us with our rights, privileges and approved constitutions, and did not allow *praejudicia et convulsionem juriurum* (prejudice and disruption of laws) from the Jews.” From their side, the citizens promised to preserve “immortal memory of his clemency, written in their hearts as on the marble. Our noble and gracious lord, we remain always your lowest footrest. The magistrate of the three nations and the whole community of the town.” Constructed in this way, the utterance cries for justice and motivates help with no hesitation.

On the one hand, unanimity and cooperation between “the three orders/nations” of Kamianets implies that the problem of Jewish activities was recognized a threat for the whole urban economy, which was already in a deplorable state. On the other hand, all references to the exclusive rights and privileges suggest that the urban order based on a medieval model (i.e., exclusiveness and urban monopolies secured by privileges) did not work anymore. This model was impossible to sustain in the 18th century, also taking into account that the long-distance trade route, which was once the main source of urban prosperity in the 15-17th centuries, practically ceased to exist. Moreover, in their eco-

⁴⁸ The situation with Jews could be explained by the practice of the nobility to rent offices in towns and real estates to Jews. Thus, they entered the town on behalf of the *starosta* as tax collectors or as those who rented houses or shops located in the town from noble owners or clergy.

nomic activities, noble land-lords, ecclesiastical institutions and even the military garrison in Kamianets intensively employed non-citizens, including Jews, in commerce, production, leasing and money lending, which further undermined the monopoly and wellbeing of the town.

A campaign to expel Jews continued, as seen from the petition sent a few months later to the Bishop of Kamianets so that he could possibly protect the town from Jewish merchants, craftsmen and lessees⁴⁹. Using the same figurative language (e.g., “at the feet of the patriarch”), the magistrate and the inhabitants of Kamianets asked for help against Jews who “grew and disseminated for the decline of Christians.” Appealing to a clergyman, it was logical to construct a juxtaposition between righteous Christians defending their order and troublesome Jews who tend to destroy it. Once more, the main arguments used by the magistrate were the numerous privileges (they listed charters issued in 1447, 1598, 1602, 1654, 1663, 1665, 1670, 1699, 1703 and 1735) now violated by Jews, who not only got permanent access to the town, but were also practicing crafts (goldsmiths, tailors, glassmakers), producing beer and other alcohol beverages, and conducting trade in all possible goods without paying taxes to the urban budget⁵⁰. The citizens of Kamianets wanted to demonstrate how much they “suffered from prejudices and such [terrible] oppressions (*patiatur praejudicia et tantas oppressions*) as no other privileged town.”

Despite an attempt to present the situation as exceptional, in reality, Kamianets was not unique in this regard. A struggle against Jews as competitors took place in other towns of Poland-Lithuania: for instance, the town council, urban court and

⁴⁹ AIO3P, part 5, vol. 1, p. 325

⁵⁰ AIO3P, part 5, vol. 1, p. 326. Even though the complaint was against the Jews, it was the noble class that encroached onto urban economy, rented out the office of tax collectors, their property, or their rights for *propinatio* (the right of a land-owner to produce and sell alcohol), which was undermining urban monopoly. Having the second biggest Jewish population after the Ottoman Porte, Poland-Lithuania was sometimes termed as *Paradisus Judeorum* (known from an anonymous Latin pasquinade written in 1606) emphasizing special relationship between the nobility and Jews. See: S. Kot, *Polska rajem dla Żydów, piekłem dla chłopów, niebem dla szlachty*, [Poland as heaven for nobility, hell for peasants and paradise for Jews], Warszawa, 1937, p. 6.

guild masters of Lublin issued a “*Laudum* of all estates and nations” against Jewish commerce and their presence in the town and sent envoys to Warsaw, succeeding four years later (in 1720) to obtain a necessary royal decree⁵¹. The capital city of Warsaw itself carried a similar policy: in 1788, the magistrate compiled a document “an exposition of the rights of the city of Warsaw with regard to the Jews, referring to the area the Jewish community sought to settle,” as well as organized a delegation to the king and parliament asking to stop free trade for Jews and other foreigners⁵². It is necessary to note, that the action undertaken by the magistrate of Warsaw against the “external” competitors soon developed into the deeds significant for all towns of Poland-Lithuania⁵³. The magistrate shifted the focus from the local economic interests to general political rights of burghers: this resulted from the ideas expressed by some contemporary political thinkers on the need of profound social reforms and on the role of burghers in this process, especially ideas of Hugo Kollątaj⁵⁴. Under his influence, Jan Dekert, the president of Warsaw, summoned the representatives of 141 royal towns (including Kamianets), and, clad in black, they solemnly proceeded to the

⁵¹ M. Balaban, *Żydowskie miasto w Lublinie* [Jewish town in Lublin], reprint, Lublin, 2012, p. 55. Lublin was a good example of how complex Christian-Jewish relations were: as followed from the decree by Augustus III from 1737, clergy and ecclesiastical institutions (e.g., hospital of Holy Spirit or collegiate Church of Archangel Michael) rented rooms in their town property to Jews; the Dominicans and Piarists rented their Lublin houses to Jews, while the Trinitarians leased their brewery and a bathhouse; the Bernardine nuns made available to them the convent’s tavern as well as houses. The decree also mentioned representatives of the magnate families – the Potocki, Sanguszek, Czartoryski, Lubomirski, Lanckoroński – and other dignitaries and citizens of Lublin who rented apartments to Jews in their palaces, manors, and houses or leased them breweries and taverns with the right to propinate alcoholic beverages, and sell meat, vodka, bread, butter, cheese, hay, oats, etc. See: *Relacje chrześcijańsko-żydowskie w XVIII wieku w Lublinie* [Christian-Jewish relations of the 18th century in Lublin]. In: <https://teatrnn.pl/leksykon/artykuly/relacje-chrzescijansko-zydowskie-w-xviii-wieku-w-lublinie/#przemieszczanie-sie-zydow-w-obreb-miasta>.

⁵² W. Smoleński, *Jan Dekert, prezydent Starej Warszawy, i sprawa miejska pod czas Sejmu wielkiego* [Jan Dekert, the president of Old Warsaw, and the case of towns during the Great Sejm], Warsaw, 1912, p. 11.

⁵³ *Ibid.*, p. 12.

⁵⁴ M. J. Lech, *Hugo Kollątaj*, Warszawa, 1973 p. 224.

Royal Castle in order to bring their demands to the king and parliament. This became known as the “Black procession”. The burghers eventually succeeded and a decree called the *Act of Free Royal Towns* (the rights of towns) was issued in 1791 and became an important amendment to the Constitution of 3 May.

Further documents dealing with the urban order in Kamianets are the records from 1738-42, when king August III of Saxony (elected king of Poland from 1733 till 1763) sent a special commission to Kamianets with his eloquent instructions on how to establish the order and justice in the town. Here, the king recognized that “everywhere, it comes easy to disorder, but it is more so in places that are far from the authority and justice”, therefore he delegated those “who are responsible for establishing order, for enforcing justice, for protecting the weaker from the stronger, that is Our commissars”⁵⁵. Kamianets, “Our border fortress and protection of the kingdom” particularly required the “order and administration of justice as best as possible, so that people, seeing this love of the uppermost to the lowest ones and easy recourse of wrongs, flocked there, settled there and populate deserted places, so that they can resist in case of a hostile incursion”⁵⁶. Referring to the complaints of citizens that reached him, the king expressed his regrets that certain people “took precedence over others, whom they want to humiliate and whom they want to elevate, and even Jews, that are spreading everywhere like a plague, they favor.” For him, these circumstances forced people, who initially thought about settling there, to change their minds and to move elsewhere. The document clearly articulated the idea that it was the order and justice, which made a town attractive for its inhabitants. Therefore, the commissars were supposed to identify *gravamina*, complaints and wrongs against the town’s new and old rights, abrogate them (i.e. wrongs) and prohibit them under severe penalties. At the same time, the sufferers had to be “strengthened with the satisfaction of the holy justice”⁵⁷.

The king also mentioned Armenians: “the Armenian town had to be separated as if with a circle by its town-hall and rights; it is detached from the Polish-Ruthenian town and we order them

⁵⁵ AIO3P, part 5, vol. 1, p. 337.

⁵⁶ Ibid.

⁵⁷ AIO3P, part 5, vol. 1, p. 336.

to be ruled by their rights.” In contrast to the view of the magistrate, a separate jurisdiction of Armenians was clearly accepted by the king and secured further decades of legal autonomy for local Armenians. Most likely, the representatives of the Armenian community found a way to the royal court and took care for obtaining consent for their own jurisdiction (“town”) to exist.

Less benevolence was showed to the Jews: they were called “natural traitors and conspiring enemies of the Catholic faith” that had to be eliminated from the town as quickly as possible, and relegated as far away as possible. In fact, the text contains a long invective against Jews. However, the reason for this attitude was different than what was voiced by the magistrate: not because they undermined urban monopolies or reduced profits of citizens concerned the king. For him, Jews represented a threat to the security of the fortress: therefore “it would be inappropriate to give the town defended with much blood and sacrifice of the royal troops for a residence to Jews”⁵⁸.

Originally produced in the royal chancellery in Dresden and later recorded in the town books, these documents report with sophistication and eloquence, the motivations to establish order and to restore justice in Kamianets were expressed. It is rather unusual to find comments on social inequality in these type of texts, such as: “those with more power, for good or for bad, manage things at will, when no one can resist; whom they want – aggravate, whom they want – support, but first of all benefit from it themselves”⁵⁹. These notions were apparently inspired by the moral philosophy of the Enlightenment and developed within a different political culture (and a different level of education of a scribe as well). And they represent a sharp contrast to the

⁵⁸ Historiography of the 19th century pointed that the royal decree of 1750 ordered to expel Jews from the town within 24 hours, to destroy the synagogue and to bring their houses under urban control. This, presumably, ended the Jewish presence in Kamianets until after the Second Partition of Poland in 1793 and the advent of Russian Empire, when “the Jews squeezed into the city for the second time, where they occupied the market square and all streets, and sat in the same magistrate, which expelled and judged them for so many times.” See: A. Przeździecki, *Podole, Wołyń, Ukraina: obrazy miejsc i czasów* [Podolia, Volhynia, Ukraine: images of places and times], vol. 1, Vilnius, 1841 p. 165.

⁵⁹ AIO3P, part 5, vol. 1, p. 337

writings of the magistrate quoted before. The royal commissars were not simply directed to investigate some typical complaints of subjects in a remote provincial town, but were engaged in a moral mission “to set the order” and “to protect the weaker from the stronger.” The king commanded them to accomplish this noble mission “not only for the loyalty and kindness and for our royal favor, but for the sincere love of good order and justice you bring to this border town,” thus turning the order into the highest social and moral value⁶⁰.

Despite his support of citizens and esteem for the urban order expressed in the decrees, the fortress of Kamianets represented a primary importance for August III. The town and its inhabitants were seen first and foremost as potential defenders, and therefore they should be numerous. The presence of Jews could no longer be tolerated not because they compete with the citizens in their everyday activities (as was emphasized by the magistrate), but because there should be no potential traitors in the borderland town. Ideas of protecting the border dominated the king’s mind even though Turks were no longer a threat for Kamianets. The fortress, on the other hand, represented no smaller problem for the urban order.

The town and the fortress

A short written history of the town on the plan by councilor Tomaszewicz (1677) very well illustrated the relationship between the military garrison and the urban community: “Kamianets, the city of Podolia, by the wonderful art of nature, standing on a high rock, separated by a deep river, and surrounded by cliffs was built by the Dukes Koriatovich. It was united with the Polish kingdom and was from the beginning inhabited by Ruthenians, then by Poles, Germans and Armenians. Such diversity of customs and languages made the dukes suspicious, and, fearing that the inhabitants would revolt relying on the protection given by the nature, they built two castles on the opposite side of the city, the old and the new, as a precaution against such a danger.” This passage shows that for the councilor, the town was actually

⁶⁰ AIO3P, part 5, vol. 1, p. 338.

protected by nature, while the castle was there rather to control the town and to cope with eventual rebellions of the citizens, then to protect them.

After the Ottoman occupation, the king indeed wanted to repair the fortress and to enlarge the garrison there, but the burden of housing the soldiers and of repairing the town walls was laid on the inhabitants of Kamianets and its suburbs: there were around 1500-2000 soldiers and up to 66 officers in the first decades of the 18th century, while the number of town inhabitants amounted to 9 000, indicating that military personnel comprised a great part of local population. One of these documents produced by the magistrate and commandants of the fortress demonstrated how the presence of a military garrison affected the order in Kamianets. One of the first was an agreement (called *Composition*) concluded in 1723. Written in a dry and “matter of fact” style, with no rhetorical figures or elements of political discourse, the contents of the *Composition* were negotiated solutions to concrete conflicts and problems. Thus, the sides agreed that there should be no drinking bouts and loud music during the Sunday and holidays’ liturgy and not after a bugle call played in the evening to recall soldiers to their quarters (with the exception of weddings). Those arrested by the military guards had to be given over to the magistrate in order to be judged according to their jurisdiction and according to the town law. Regarding houses of the councilors: the councilors had to produce a relevant privilege in order to have their homes released from housing the troops. Regarding the earthworks and parapets of the fortress: citizens should take care of their cattle so that defensive structures were not trampled by animals and so that animals do not make passages. The town was also responsible for upkeeping the guards’ building (*cordegarde*). As there was a prohibition in the past, the same is confirmed now, that both soldiers and citizens were forbidden to use mills in the neighboring settlements, but only that of the town. Garrison bakers should not cause any obstacles to the town bakers, and should observe the same weight and the price of the bread as town bakers. As followed from the *Composition*, apart from disrupting the public order on the streets, the garrison also intervened with the economic life of the community, specifically in the production of everyday staples such as bread.

A longer and more detailed document was produced in 1761, when the urban authorities (both Polish-Ruthenian and Armeni-

an magistrates) “complained and manifested” at the office of *starosta* in the presence of commandant of the fortress general Christian Dohlke, colonels, captains and other officers of the garrison in Kamianets⁶¹. Members of the urban government accused the military commandment of consciously violating the privileges of the royal town of Kamianets, underlining that “even though the accused knew perfectly well that the town of his royal majesty is provided with so many rights, freedoms, privileges, decrees as well as a declaration of illustrious Crown Treasury Tribunal (*Iudicium Generale Tribunalis Regni Causarum Fisci*) in Radom, [they] vilified the above mentioned rights...”⁶² Citizens described how they were “groaning under the yoke of domination ” evoking associations with the Ottoman occupation. Destitute, they were not able to reestablish the lost freedoms and “did what the imprudence of the garrison ordered them to do”⁶³. Acting against “all those rights of citizens of Kamianets, a small handful of whom remained and who were significantly impoverished,” the military personnel threw citizens out their homes, took away houses, subjected them to various expenses and collected different tributes *cum omni prejudicio*. Soldiers beat civil town-dwellers, publicly arrested and humiliated the burgomaster and judges, offending and defaming them. Moreover, the garrison interfered even with the economic activity of the town, allowing soldiers to take a part in local commerce, to serve alcohol and participate in crafts to the detriment of local guilds. Concluding their appeal, town representatives stressed once more that all possible harms and all kinds of oppression and damage to the city, assaults on the urban authorities and devastation of common people from both jurisdictions –was done by the local garrison. Attempts to find help and “refuge” at the court of justice (literally: *confugiendo ad asyllum sacrosanctae justitiae et remedia juris*)⁶⁴ also did not allevi-

⁶¹ AIO3P, part 5, vol. 1, pp. 396-400.

⁶² The text implied that there was a certain court decision in favor of the town, which the military personnel violated: citizens complained that soldiers behave equally badly before the litigations, as well as after it, clearly ignoring the court's decree. Another document revealed that the town, in fact, won the case against the garrison twice: in 1719 and 1733. See: AIO3P, part 5, vol. 1, p. 408.

⁶³ AIO3P, part 5, vol. 1, p. 398.

⁶⁴ AIO3P, part 5, vol. 1, p. 399.

ate the situation since the court decisions were simply ignored by offenders. The military garrison appeared to be yet another “external” agent, which disrupted the urban order in Kamianets. As followed from these sources, in contrast to Jews intruding mainly on the economic life of the community, soldiers not only undermined urban economy, but also resorted to physical violence in relation to town dwellers and their institutions.

Changes and reforms

In 1765, the magistrate, unsuccessfully tried to restore the order and sought the protection against the arbitrary and oppressive behavior of the “external” actors, and compiled a “Memorial of the wrongs done to the town of Kamianets”⁶⁵. Addressed to Great Crown Chancellor Zamojski, the text begins with a rhetorical contrast between the old and the present times stating that “the capital town of Kamianets Podilski, *antemurale Christianitatis*, both in citizens and in trade with foreign merchants was abundant before the Turkish rule, [but] *per varias temporis vicissitudines*, has the following reasons for its ruin and decline”⁶⁶. What followed is a structured and detailed list of those vicissitudes beginning with a special tax the town introduced for financing its own arsenal, which was then usurped by the *Woiwoda* of the Podolian land. Further, the destruction of houses in Kamianets and depopulation during the Ottoman occupation was mentioned: “taken over by the Turks and languishing under the slave yoke for several decades, [the town] not only lost its rights and privileges due to the dispersion of its citizens, but also suffered irreparable damage due to the demolitions of houses and shops.” Abuses from the local land lords including Podolian

⁶⁵ The full title of the document, written in Polish, could be read as „A Memorial of the wrongs [of] the town of His Royal Majesty Kamianets Podilsky under circumstances and by different [actors] committed, which this town suffered and suffers *contra mentem* of the Crown’s rights, privileges, decrees and declarations of the Crown Treasury Tribunal in Radom, compiled for His Majesty Lord Zamojski, the Great Chancellor of the Crown, the lord and benefactor *supplici libillo* submitted 1765.” See: AIO3P, part 5, vol. 1, p. 406.

⁶⁶ AIO3P, part 5, vol. 1, p. 406.

general and *starosta* of Kamianets Katski were also mentioned. A “handful of remaining burghers” were using lands and meadows from which hay was collected “according to their rights”, but neighboring landlords encroached on this property, especially after the plague of 1738, when the number of urban dwellers diminished and those remaining found themselves in a deplorable condition. Another misfortune for the town was the loss of the long-distance trade route and absence of “the profitable communication with other merchants in the Crown”. In spite of three yearly fairs [re-] established in Kamianets in 1703, this did not revive the commercial life in the town. On the contrary, smaller towns in close proximity like Lanckorona or Makow, in fact former villages, as well as Zhwanets, Kitayhorod or Dunajiwtsi hold Sunday markets *cum paejudicio* for Kamianets: “this contributed to the decline of the town and supported the Jews”⁶⁷. Another vicissitude of fortune was seen in the loss of urban plots to non-urban owners, namely land owners of Podolia, clergy and officers from the local garrison who were not willing to carry the duties and taxes of ordinary citizens, which were diminishing in the territory under the urban control⁶⁸. The Jesuits from the collegium in Kamianets *nullo jure* established a tavern in a suburb

⁶⁷ AIO3P, part 5, vol. 1, p. 407. In reality, all the settlements listed here were centers of the land estates of the local nobility, the so-called “private towns.” Often looking like big villages, these towns served as markets for the agricultural productions from the surrounding fields. Jews, who fulfilled important economic services for the owners, often comprised a large part of the population in these towns.

⁶⁸ Indeed, officers, as well as other members of the nobility, were used to buy property in the town thus reducing the jurisdiction of the magistrate over the urban space as well as diminishing urban taxes. Nobility (including officers) owned 96 building in the 1730s (20% from 475). In 1734-35, the magistrate, recording the sale of empty parcels in the town to local citizens, warned that parcels of buildings should under no circumstance be re-sold to a nobleman or an officer. Still, in 1736 p., the magistrate again pointed to a great misery of the town caused by “illegal procurement of houses”. The same attitude is observed in relation to the members of the clergy who owned 45 buildings in the town (9,5 % from 475). See: М. Krykun, Люстрація Кам'янця-Подільського 1734 р. (До питання про житловий фонд українського міста у XVIII ст.), [Revision of Kamianets-Podilskyi 1734. Regarding the question of housing stock of a Ukrainian town in the 18th century], in *Український археографічний щорічник*, 2(1993), pp. 193-262: p. 220. The dissolution of the urban authority and jurisdiction through the

and settled their subjects on the urban land⁶⁹. The town tried to defend its rights at the court, but because of lack of resources was compelled to accept the situation (literally “to sign a *complaint* with the Jesuits”) after a decade long futile litigation. The local military commandment was also listed there: “due to its oppression of the townspeople, the Kamianets garrison is no small reason for its decline”⁷⁰. We find the same dramatic imagery of the “impoverished citizens”; while the garrison appeared as a brutal and destructive force, as offenders from whom one had to seek asylum. Similarly, the discourse related to the lack of urban order did not change much and operated with the similar “key words” like prejudice, injustice and violation of urban rights and privileges. The “Memorial” of 1765 noted all the “external” actors that influenced the urban order in Kamianets and the ones townspeople complained about most often: land-owners, local royal officials, clergy and ecclesiastic institutions as well as military commandment of the fortress⁷¹. At the same time Jews, the

loss of urban property to the nobility and clergy was also recognized as harmful to the urban order.

⁶⁹ AIO3P, part 5, vol. 1, p. 409.

⁷⁰ Sources pictured the urban community outpowered, or better to say, abused by the military garrison. Two years later (1767), both Polish-Ruthenian and Armenian jurisdictions sent another delegation to the Sejm with complaints about further disruptions of urban order by local officers. The instruction given to envoys informs about “freshly avenged wrongs from the side of major Miccielski, and especially from the side of ober-lieutenant Witt.” The latter beat members of the magistrate and arrested the president (burgomaster) of Kamianets and kept him imprisoned for several days “with great insult and affront, thus violating the law.” The envoys had to seek help among senators and ministers in Warsaw against this infringement of rights and the suppression of prerogatives (*laesionem jurium et depressionem praerogativarum*) See: AIO3P, part 5, vol. 1, pp. 410-411. Later, “because of never ending wrongdoings of the garrison,” citizens established a special book to register such cases as followed from a document dated to 1773.

⁷¹ It is necessary to note, that complains of Kamianets town dwellers were by no means unique or exceptional: since the Middle Ages, citizens regularly complained about taxes that were too high, the competition of rural industries, irregularities caused by soldiers, monetary devaluations, infractions of their privileges by other cities and rural districts, the corruption of officers and all sorts of military adventures that disturbed the economic climate. See: J. Dumolyn, *Justice, Equity and the Common Good: The State Ideology of the Councillors of the Burgundian Dukes*, in J. Boulton J. Veenstra eds., *The*

reason for so many grievances and eloquent complaints in other documents, were not at the center of problems, but were mentioned rather marginally.

According to the sources, even joint efforts of both Polish-Ruthenian and Armenian jurisdictions did not guarantee their full authority over the urban order in Kamianets. The lengthy and complex process of seeking justice and combined with the inability to defend their rights (*i.e.*, order), and the lack of ability to implement a decision from the legal court or a royal decree pointed to a lack of agency of towns and their inability to effectively control the most important spheres of communal life. Being a royal town meant more freedom and a possibility to turn to the king, as the highest authority, for help and protection, especially in the medieval times. However, the weakened authority of the king due to the transience of his power (electivity of the throne and a lack of a dynasty) and numerous restrictions imposed on him by the Sejm made this option not very promising. In addition, the monopolization of power in Poland-Lithuania by the nobility resulted in political and legal disadvantage of townspeople and pushed towns to the margins of socio-political and even economic life⁷². The Polish-Lithuanian republic was, above all, a manorial society in which political rights were restricted to a small fraction of the total population, namely to noblemen⁷³. This situation was aptly commented on in a rhetorical question from the satirical text by Franciszek Salezy Jezierski published in 1790: “a townsman, is he a human being? He is not a complete human, but is an intermediary being between the human - the nobleman - and the non-human - the peasant”⁷⁴.

Ideology of Burgundy. The Promotion of National Consciousness, 1364-1565, (Leiden, 2006), p. 9.

⁷² M. Bogucka, *Miasto i mieszczanin w społeczeństwie Polski nowożytnej* [A town and a citizen in the society of early-modern Poland], *«Czasy Nowożytne»*, 22/2 (2009), pp. 9 -49, p. 38.

⁷³ D. Roháč “It Is by Unrule that Poland Stands”: *Institutions and Political Thought in the Polish-Lithuanian Republic*”, *«The Independent Review»*, 2 (2008), pp. 209-224, p. 210.

⁷⁴ J. Gordziejew, *Komisje Porządkowe Cywilno-Wojskowe w Wielkim Księstwie Litewskim w okresie Sejmu Czteroletniego (1789-1792)*, [Civil and Military Order Commissions in the Grand Duchy of Lithuania during the Four-Year Sejm (1789-1792)], Krakow, 2010, p. 114.

Recorded in the town books of Kamianets, the documents demonstrated a gradual erosion of the civic authority, the loss of urban space to non-urban groups, the decline of economic activities of citizens and the diminishing of urban revenues: in short, a total deterioration of the urban order based on numerous royal privileges and grants established in the medieval times. And the discourse related to un-order was typically marked by “key words” such as “damages to the privileges” and “injuries to urban rights”. Many of the assaults on the order in Kamianets were of economic type (e.g., practicing crafts by non-guild craftsmen, production of beverages or selling goods by non-citizens, etc.); and citizens grounded their defensive strategy on the idea of [medieval] urban monopolies secured by privileges. Nevertheless, the unsustainable and outdated character of this model for the 18th century, its exclusiveness and isolationism blocked competition and prevented innovation thus causing stagnation in both commerce and production, so that not only the “external” actors were to blame for the impoverishment of burghers⁷⁵. The second half of the 18th century saw initiatives for urban reforms: this was largely associated with the activity of Commissions of Good Order (*Boni Ordinis*) that were organized for the royal towns since 1765⁷⁶. The relevant Sejm constitution under the title “Protection of Towns” (pol. *Ubezpieczenie miast*) was issued in 1764⁷⁷. Ironically, this document, which indirectly

⁷⁵ Scholars were able to demonstrate the conflict between new capitalist elements in the economy and the guild organization, the latter becoming a factor inhibiting the development of productive forces during the 18th century. J. Michalski, *Zagadnienia polityki antycechowej w czasach Stanisława Augusta* [The Questions of Anti-Guild Policy during the Time of Stanisław August], «Przegląd Historyczny», Vol. XLV, 4 (1954), pp. 635–651.

⁷⁶ The first such commission was organized for Warsaw, while for Kamianets it took place some years later. See: R. Król-Mazur, *Miasto trzech nacji. Studia z dziejów Kamieńca Podolskiego w XVIII wieku*, [The City of Three Nations. Studies on the History of Kamianets-Podilskyi in the 18th Century], Kraków 2008, p. 486.

⁷⁷ *Volumina Legum*, vol. 7, pp. 43–45. Yet, the decree of Sejm from 1768 “Warunek miast i miasteczek naszych królewskich w Koronie” [The condition of our royal cities and towns in the Crown] was seen as the legal basis for the activities of the commissions. See: P. Jędrzejewski, *Działalność komisji boni ordinis dla miast wielkorządów krakowskich w Olkuszu w latach osiemdziesiątych XVIII stulecia* [The activities of the *boni ordinis* commission for the cities of

contributed to the liberalization of urban economy, started with the traditional confirmation of older rights and constitutions as well as later privileges of towns: such [declarative] preservation of urban monopolies was acknowledged as a remedy against the total decline of towns⁷⁸. Still, the subsequently established Commissions of Good Order (typically consisting of dignitaries of noble origin) often aimed to replace the “medieval” model, by facilitating the access to guilds and practicing profession by non-citizens, as well as by eliminating religious, corporative or other types of restrictions⁷⁹.

The document called “Desideria of the HRM town of Kamienets Podolski...” created by citizens and handed over to the commissars in 1769, represented a list of resolutions focused first of all on administrative matters and relationships between the urban authorities and ordinary people⁸⁰. Citizens were concerned about financial matters and wanted to hold the magistrate accountable for spending, and to have a more transparent decision-making process. The text was written after some inner conflicts in the community. It includes provisions prohibiting the magistrates from beating citizens, as well as a clause forbidding individuals outside the government from entering—or literally ‘breaking into’—government buildings, specifically those hous-

the Kraków metropolitan government in Olkusz in the 1780s], «*Kwartalnik Historyczny*», 2(2017), pp. 237-265.

⁷⁸ *Volumina Legum*, vol. 7, p. 43.

⁷⁹ This was very well demonstrated for the towns in Grand Duchy of Lithuania. Statutes of guilds contradicted the trend of the era of Stanisław August Poniatowski to bring in specialists from abroad. Assuming that the guilds “cause the most harm to the city through their lack of [proper] organization”, the commissars of Grodno in 1790 declared the following: “the Commission allows all craftsmen, of any profession, upon notification to the magistrate and the Commission itself, to come and settle in the town of Grodno, to practice their craft, to be subjected to the authority of the magistrate only, and if any guild dares to harass him, harm him, or demand any undue payment, the maltreated craftsman will go to the Commission [...] and the guild will be punished.” In the materials of the Civil-Military Commission of Mińsk from 1791, there was a reference to a saddler Jakub Lypik from Prussia, who lived in Mińsk “without any fee to the city and the guild”, probably in spite of the protests from the side of urban or the guild authorities. Similar rules applied to Jews. See: J. Gordziejew, *Komisje Porządkowe...*, p. 139.

⁸⁰ AIO3P, part 5, vol. 1, pp. 417-418.

ing town councilors and urban judges. Presumably, in the case of conflicts between the urban government and citizens, the latter used to break into the town hall.” This could also be inferred from a reference to public debates about how to “salvage the common good of the town and burghers”: the notion of *bonum commune* typically appeared in a case of internal disputes.

Another occasion to apply this key word was in 1785, when recognizing the “imminent fall of the common good of the town”, a very comprehensive agreement was written by urban authorities with the aim to terminate struggles and conflicts in the town, to improve communal finances, to regulate the economic sphere, food supply, inner infrastructure, etc.⁸¹ Moreover, for the first time, the order was associated with cleanliness of streets and safety of the town. Because “there should be order⁸² on streets [and absence of] manure and slop discharge, dead bodies [of house animals] as well as safety from fire in every town,” the magistrate appointed two persons responsible for this in Kamianets⁸³. Councilor Dekaprylewicz and vice-regent Orlowski were appointed to control the order in the town and to punish the disobedient thus fulfilling the function of the police and a fire brigade. In this way, it represents a change in the discourse of urban order, which was not related to old privileges anymore. In fact, Kamianets showed that a strategy to rely on rights and privileges, as well as a strategy to support ones claims with court decisions and royal decrees did not pay off, if you lacked power to control the implementation of these decisions. In addition, a lack of agency and the inability to directly represent their own interests in the Sejm made the magistrate’s control over the order in this ‘free royal town’ largely ineffective.

The case of Kamianets demonstrates that by the 18th century, the Polish-Lithuanian Commonwealth did not manage to develop a strong and wealthy stratum of burghers. Unlike Western European countries, where city dwellers were considered a serious political force, Polish urban centers, especially the smaller ones, remained in economic stagnation and even ruin, which

⁸¹ *Volumina Legum*, vol. 7, p. 477.

⁸² Originally, the old Polish word “ochędóstwo” was used in the text, which could be understood as cleanliness, order, embellishment or adornment.

⁸³ AIO3P, part 5, vol. 1, p. 477.

resulted in a decline in the population as well as diminishing production⁸⁴. Despite the new administrative institution - Commissions of *boni ordini* - paving the way for the reorganization and revitalization of urban centers throughout the country⁸⁵, conditions in most of the towns remained deplorable. However, the situation started to change in the late 18th century, as evident from one of the most important documents dealing with the urban order in the record books of Kamianets magistrate: the text of the already mentioned Sejm constitution from 1791 under the title *The Act of Free Royal Towns in the Polish-Lithuanian republic*⁸⁶. This constitution offered a possibility to send towns' representatives to the Sejm, the right to acquire landed property and the possibility of a military career for burghers, and the possibility for ennoblement and personal freedoms; in fact, the most often repeated word in this document was freedom. Moreover, it introduced uniform rights for all towns, thus making individual privileges redundant and breaking finally with the medieval tradition of urban monopolies⁸⁷.

⁸⁴ Jędrzejewski, *Działalność komisji*, pp. 239-240.

⁸⁵ T. Srogosz, *Geneza i funkcjonowanie komisji dobrego porządku* [Genesis and functioning of the commission of good order], «Studia z dziejów państwa i prawa polskiego», 2(1995), pp. 152-163.

⁸⁶ AIO3P, part 5, vol. 1, pp. 504-511.

⁸⁷ At the same time, coming to the capital on the invitation of Wasaw's burgomaster, the inhabitants of different towns did not exhibit proper solidarity, and could not reach an agreement on a joint struggle for their rights. Instead of supporting a comprehensive urban reform and focusing on common issues, delegates of the towns arriving in Warsaw, brought with them particular memoranda and lists of their local problems to be dealt with. See: K. Zienkowska, *Sławetni i urodzeni. Ruch polityczny mieszczaństwa w dobie Sejmu Czteroletniego*, [Illustrious and (well-) Born: The Political Movement of the Bourgeoisie in the Age of the Four-Year Sejm] Warsaw, 1976, pp. 32-95. And Kamianets served a good illustration in this regard, as could be seen from the writings of the two Kamianets delegates to Warsaw. Once getting the invitation, the magistrate immediately started to compile a traditional "instruction" for the envoys and *desideria* regarding inner urban matters for the "patrons of the town," such as the Bishop of Kamianetes and magnates from Podolia staying in Warsaw. Once in the capital, the delegates, as usual, were paying visits to the "patrons", relying more on separate agreements to advance the interests of their town, and not seeing much value in the solidarity with other towns facing the same problems. See: A. Rolle, *Pamiętnik szlacheckich delegatów kamienieckich na sejm 1789 r., poprzedzony ogólnym*

Concluding remarks

Starting from 1699, the main strategy for managing the urban order (as followed from the town books) was to restore/renew/reintroduce the previous state of affair (order) secured by the royal privileges and rights granted to Kamianets. References to previous times and the previous good order were not just rhetorical figures. The magistrates referred to concrete dates, when important privileges were issued and rights granted, which were fundamental for order. By contrasting prosperity of previous times with a present-day decline and a lack of order, texts at the same time pointed to the reasons: violation of laws, of privileges and parliamentary constitutions, which “used to serve this royal town.” In this way a violation of a privilege equals a violation of order. The magistrate employed a very “legalistic” approach in their attempt to support their claims with a relevant document or an excerpt from the Royal Chancellery registers, in order to make it a suitable instrument in disputes with both “internal” and “external” competitors. Thus, the concept of the urban order here appeared very conservative, based on privileges, exclusive rights and monopolies, violation of which would also mean the violation of urban order.

Documents demonstrate a wide array of internal and external tensions in Kamianets: Polish magistrate – Armenian magistrate, Poles – against Ruthenians and Armenians, the whole town – against the *starosta*, the Jews or the military garrison. At the same

poglądem na wewnętrzne dzieje miasta w XVIII stuleciu [Memoirs of the noble delegates of Kamieniec to the Sejm of 1789, preceded by a general view of the internal history of the city in the 18th century], Krakow, 1892. It is worth mentioning that talking to the envoys the bishop Krasinski advised to follow the trend of industrialization, to open factories in Kamianets as means to revive economy in the town and to increase revenues. Antoni Rolle commented on that in his lengthy preface to the source: Krasinski “encouraged townspeople to industry, promised them factories of stockings, hats, saffians, persuaded them to establish a hotel.” See: A. Rolle, *Pamiętnik*, pp. 59, 69. Without doubt, the magistrate conventionally complained about hardships and poverty in the town in the *desideria*, and traditionally asked for help and protection. And it was a member of the clergy who demonstrated a better understanding of current ways of production and possibilities to improve urban finances, than the citizens with their conservative ways of “doing business” and their largely “medieval” ideas of urban order.

time not all of them contain examples of political discourse, especially documents intended “for inner use.” On the other hand, this may also reflect the degree of education and level of intellectual horizons of a scribe in a provincial town. If we focus on the key words, and on the political vocabulary used by the magistrate when dealing with the problems of urban order, the words *jura et privilegia* appear most often as well as negatives *injuria, praejudicia et convulsionem jurium*. The magistrate often spoke about “harm” or “injury” done to the urban rights and liberties. In this context, “harming” brings a traditional medieval connotation of a town as a “political body”, a “corporation”. Connected to the urban order was also the notion of a “common good” and the virtue to sacrifice one’s private interest *pro bono commune*, which also had its parallels in the political discourse of nobles. The word “order” (*ordo*) itself could often be seen in the town books, as well as customs *ad bonum ordinem spectantes*. If we compare the concepts of order and law and accept them as synonyms, it is possible to notice a link to the antique tradition comparing the law to the soul of a republic – an idea widely used in the political discourse of the Polish “Republic of nobles”⁸⁸. In this context it is easier to understand why one of the strongest political criticisms was “breaking the law” or “violating the law”. On the other hand, this discourse became a “trademark” of conservative defenders of the old order at the end of the 18th century⁸⁹. Similarly, the discourse used in the documents from the archive of Kamianets magistrate revealed an archaic and medieval version of urban order based on privileges, exclusive rights and monopolies. The general picture that arises from these sources is a very slow process of transformation, if not decomposition, of the old concepts and ideas of the order, and the futile efforts of the town to restore and defend the outdated model, until the reforms of the late 18th century finally terminated it by changing the legal standing of towns and town dwellers in the whole kingdom. We do not know what impact these reforms would have on the urban order in the long run, because a more abrupt change was underway – the annexation of eastern Podolia including Kamianets by the Russian empire in 1793.

⁸⁸ Grześkowiak-Krwawicz, *Dyskurs polityczny*, cit., pp. 84, 86.

⁸⁹ Grześkowiak-Krwawicz, *Dyskurs polityczny*, cit., p. 99.

REMIGIJUS CIVINSKAS

Responses of Lithuanian urban élites to Russian imperial reforms (1795-1863)

Abstract: *This paper examines how Lithuanian urban elites in the early 19th century responded to Russian imperial reforms, focusing on cities and towns within the Vilnius governorate. The research explores changes in urban governance, the introduction of the Russian bureaucratic system, and the subsequent impact on local elite groups, including merchants, townsmen, and Jewish communities. Employing theories and concepts from political sociology, this study analyses the discourse and actions of these elites as they navigated newly imposed state structures. The findings indicate that elites employed strategies such as appeals, petitions, and legal challenges to resist reforms threatening their autonomy, social status, and traditional privileges. The paper also investigates how Christian urban elites opposed the integration of Jewish communities into municipal governance, highlighting the complex economic, social, and political dynamics involved. Despite limited success, these “quiet protests” and negotiation tactics reveal nuanced resistance against imperial domination. By exploring these multiple dimensions of resistance and adaptation, this study contributes to our understanding of how urban communities in Eastern Europe adapted to the centralising policies of empires, emphasising the significance of local agency within broader imperial contexts.*

Keywords: *Urban elite and Russian Empire policies; Urban elite political strategies; Transformation of urban estates; Lithuanian cities and towns in the 19th century.*

Introduction

Turning first to the broader academic context, the field of urban elite studies (primarily related to 18th–19th century studies) centres on two key dimensions: the transformation of social structures and the interaction between ‘old’ city elites and the modern state¹. Urban elite studies employ different conceptual

¹ C. Charle, *Légitimité en péril, Éléments pour une histoire comparée des élites et de l'État en France et en Europe occidentale (XIXème – XXème siècles)*, «Actes de la recherche en sciences sociales», vol. 116 (1), (1997), pp. 39-52; A. Hartmann, *Kontinuitäten oder revolutionärer Bruch?: Eliten im Übergang vom Ancien*

approaches and historians draw from sociological, critical, network, and other theories. As such, the use and integration of these concepts into theoretical reasoning are highly variable.

Moving on to key themes within urban elite research, historians often focus on themes such as elite change, power dynamics (mobilisation or loss), and bureaucratisation. Scholars link the process of urban bureaucratisation to the influence of Kammeralist ideas, the incorporation of bureaucratic elites into city councils, and the implementation of state reforms². These changes have affected urban elites in diverse ways, leading to conflicts and the displacement of certain groups from positions of municipal authority—a phenomenon sometimes described in terms of the coexistence of “two ruling elites”³. It is also worth noting that urban elite scholars have examined the expressions, rivalries, and tensions between traditional merchant groups and newer so-called functional elites (i.e., bureaucrats and academics) in individual German states and Russian cities, such as in the Bielefeld historians’ project *Städtische Selbstverwaltung und bürgerliche Eliten vor 1914, Rußland im Vergleich mit Deutschland*⁴.

Despite these advances in the understanding of urban elites, there remains an apparent gap in this body of research. Polish and Lithuanian historians have only sporadically examined the

Regime zur Moderne (1750–1850) Eine Standortbestimmung, «Zeitschrift für Historische Forschung», vol. 25 (3) (1998), pp. 389–420; J. Smith, *Urban elites c. 1830–1930 and urban history*, «Urban History», vol. 27 (2) (2000), pp. 255–275; H. Beresnevičiūtė-Nosálová, *Artists and Nobility in East-Central Europe: Elite Socialization in Vilnius and Brno Newspaper Discourse in 1795–1863*, Berlin 2018.

² I. H. Németh, *Venerable Senators or Municipal Bureaucrats? The Beginnings of the Transformation of the Estate of Burghers at the Turn of the Seventeenth and Eighteenth Centuries*, «The Hungarian historical review: new series of Acta Historica Academiae Scientiarum Hungaricae», vol. 1(1–2) 2012, pp. 49–52.

³ T. Maentel, *Stadtbürgerliche Elite im Spannungsfeld zwischen bürgerlicher Selbstständigkeit und monarchisch-bürokratischer Herrschaft. Leipziger Profile 1750 bis 1850*, in *Eliten um 1800. Erfahrungshorizonte – Verhaltensweisen – Handlungsmöglichkeiten*, edd. A. Hartmann, M. Morawiec, P. Voss, Mainz am Rhein 2000, pp. 274–275.

⁴ G. Hausmann, *Stadt und lokale Gesellschaft als lokale Veranstaltung: Selbstverwaltung, Assoziierung und Geselligkeit in den Städten des ausgehenden Zarenreiches, Bürgertum: Beiträge zur europäischen Gesellschaftsgeschichte*, Göttingen 2002, pp. 13–14; L. Häfner, *Städtische Eliten und ihre Selbstinszenierung: Die Dreihundertjahrfeier Saratovs 1891*, «Jahrbücher für Geschichte Osteuropas» vol. 48 (2000), pp. 17–23.

responses of individual elite groups to change, particularly during periods when states or cities underwent transformations in political order. For instance, only a few isolated studies have addressed how urban elites reacted to reforms in the urban economy or local governance introduced by empires or monarchies⁵. Historians have largely overlooked protest responses to urban transformations in Poland and Lithuania (following the third partition of the Polish–Lithuanian Commonwealth in 1795), in Prussian cities (after the so-called Stein–Hardenberg reforms), or in specific German cities⁶. Economic elites and members of town councils often protested “quietly,” through petitions and proposals rather than public demonstrations or other radical forms. Consequently, these “inconspicuous” protests have remained largely outside the scope of historical research and have not received sufficient scholarly attention.

To address this lacuna and to emphasise the Russian imperial context specifically, it is essential to consider the unique character of the Empire’s approach to social and administrative restructuring, particularly its efforts to engineer society through legislation. In this article, the term “estate” is used to refer to the administrative-social category and *soslovie* (or *soslovnia*) system constructed by the Russian Empire from 1785 onward particularly through the Town Law (Rus. *Zhalovannaia gramota gorodam*) promulgated by Catherine II, which remained in effect until 1917⁷. This framework was devised as a tool of social engineering, aiming to regulate urban life by both incorporating and reshaping the traditional townsmen statuses related to the privileges of towns within the Grand Duchy of Lithuania. Notably, Catherine II referred to these newly established corporate bodies for no-

⁵ L. Glemža, *Lietuvos Didžiosios Kunigaikštystės miestų sąjūdis 1789-1792 metais*, Kaunas 2010, pp. 137-195.

⁶ T. Maentel, *Stadtbürgerliche Elite* cit., pp. 269–299; L. Gall, *Vom alten zum neuen Bürgertum. Die mitteleuropäische Stadt im Umbruch 1780-1820*, in *Vom alten zum neuen Bürgertum: Die mitteleuropäische Stadt im Umbruch 1780–1820*, ed. L. Gall, Berlin 1992, pp. 1-18.

⁷ M. Confino, *The soslovie (estate) paradigm. Reflections on some open questions*, «Cahiers du monde russe. Russie-Empire russe-Union soviétique et États indépendants», 49(49/4), (2008) pp. 681-704; G. L. Freeze, G. L. The soslovie (estate) paradigm and Russian social history. «The American Historical Review», 91(1), (1986), pp. 11-36.

bles and townspeople as a “society” (*obshchestvo*), and the expanded sense of *soslovie* as “society” made it well-suited to describe these entities, especially as it encompassed ideas of a “constituted body” and an “institution”⁸. In this sense, the Russian *soslovie* blended the concepts of “state institution” and “social group,” though the timing and nature of its evolution proved more complex and dynamic compared to early modern European parallels. This usage of *soslovie* applied most accurately to townspeople and the nobility, who indeed held such status and organisation after Catherine’s reforms of 1785. In Lithuania, the *soslovie* system was introduced gradually, initially extending the rights of the townsmen’s community – steeped in medieval privileges – while accommodating significant local peculiarities. These included dividing merchants into three guilds, regulating artisans, and establishing a distinct legal status for Jewish residents.

Building on this theoretical grounding, the aim of this research paper is to analyse urban elites’ relations with state officials by examining their reactions to the state’s reforms of urban governance and municipal management. Employing a political sociology framework – principally drawing on Pierre Bourdieu’s theory of political fields and forms of capital – the study investigates how shifting political orders shape actions within the municipal political field⁹. These ideas outline the roles and powers of both collective and individual actors within the distinctive sphere of interactions between state and local government. Historical and sociological approaches that emphasise collective and individual elite actors, complemented by discursive analysis, can help us better understand how people think about and interpret the events unfolding around them.

Regarding methodology, this research employs a mixed qualitative approach grounded in two principal methods: (1) a case study design and (2) discourse analysis. The case studies focus on the urban elites of the Vilnius Governorate – including Christian townspeople, merchants, and Jewish communities – in their in-

⁸ A. K. Smith, *For the Common Good and Their Own Well-Being: Social Estates in Imperial Russia*, Oxford 2014, pp. 1-38.

⁹ P. Bourdieu, *The state nobility: Elite schools in the field of power*, Stanford 1998, pp. 336-337; P. S. Gorski, *Bourdieuian Theory and Historical Analysis: Maps, Mechanisms, and Methods*, in *Bourdieu and historical analysis*, ed. P. S. Gorski, Durham, 2013, p. 338.

teractions with the authorities of the Russian Empire (namely, the Emperor, the Senate, relevant ministries in St. Petersburg, and local gubernatorial officials). The case study method was selected for several reasons. Firstly, it allows for a nuanced reconstruction of how urban governance structures and legal frameworks were transformed as cities formerly belonging to the Grand Duchy of Lithuania were incorporated into the Russian imperial administration. This involved a shift from self-governance to subordination under the system of tax duties (*zemskiia povinnosti*). Secondly, it enables the study of the imperial policies aimed at integrating Jews into urban political and financial administration. These transformations are examined through the lens of elite theory, drawing on previous scholarship and analysing political and bureaucratic fields across 12 cities and approximately 70 towns. Thirdly, a discourse analysis complements the case studies by examining collective appeals, petitions, and complaints submitted by urban elites to imperial authorities between 1795 and 1861. Most of these archival documents were directed to the central government and provide insight into how urban actors assessed and responded to ongoing reforms. By combining case study and discourse-analytical methods, this study investigates how urban elites negotiated shifts in power and reconfigured their political agency under Russian rule. This article unfolds by placing local urban elites in both cities and towns at the centre of Lithuanian transformations under Russian imperial rule. It begins by introducing the theoretical and historical context, showing how merchants, nobility, and other town leaders in Lithuania provide a cohesive lens through which to examine shifts in governance and social organisation. Subsequent sections illustrate how these elites navigated, challenged, and occasionally adapted to newly imposed imperial structures – such as Dumas and municipal commissions – thereby unifying discussions on changing legal frameworks, socio-economic constraints, and debates over Jewish integration into townsmen *soslovie*. By demonstrating that elite activities in both major cities and small towns served as the pivotal link between state-driven policies and local realities, the article underscores the enduring, if limited, agency of urban actors as they negotiated, resisted, and sometimes reinforced the centralising ambitions of the Russian Empire.

1. *Historical Background*

To put this into historical context, Russian imperial policies concerning the development of the bureaucratic apparatus, territorial governance, and the estates (soslovie system) were often ambitious, yet they also lacked coherence and were poorly coordinated¹⁰. Administrative and social estate systems were managed through militarisation and police control. Nonetheless, reforms continued, focusing on provincial integration and imperial unification, particularly as a means of governing the more distant provinces. The 19th-century imperial policies on urban governance and the promotion of internal trade were frequently contradictory; governorates subordinated the cities and imposed a highly bureaucratised structure. In essence, cities became the primary enforcers of state obligations and retained very limited autonomy. Moreover, estate-based local administration in cities proved ineffective due to its complex structure, deficiencies in the legal framework, and a series of additional dysfunctions. Within this intricate environment, the ability of urban elites (mainly merchants or the nobility living in the city) to influence decisions was relatively limited due to their low power and the nature of the tsar's autocratic system¹¹. Nevertheless, the structural constraints of the empire, regional contexts, and the implementation of “muddling through” reforms allowed urban elites to seize opportunities presented by public policy.

Following the third partition of the Polish–Lithuanian Commonwealth in 1795, the situation in Lithuanian cities and towns changed as the Russian government incrementally unified their governance¹². Firstly, the Russian authorities abolished certain

¹⁰ J. P. LeDonne, *Administrative regionalization in the Russian empire 1802–1826*, «Cahiers du monde russe», n. 43 (1), 2002, p. 5–34; W. B. Lincoln, N. A. Miliutin and the St. Petersburg Municipal Act of 1846: *A Study in Reform Under Nicholas I*, «Slavic Review», vol. 33 (1) (1974), p. 55.

¹¹ W. Dowler, *Merchants and Politics in Russia: The Guild Reform of 1824*, «The Slavonic and East European Review», n. 65(1) (1987), pp. 38–52; A. J. Rieber, *Merchants and Entrepreneurs in Imperial Russia*. Chapel Hill 1991, pp. 415–420.

¹² V. Pugačiauskas, *Vilniaus savivaldos institucijos XIX a. I pusėje: istorinis-teisinis aspektas*, «Lietuvos istorijos metraštis» (2000), pp. 147–163; T. Bairašauskaitė, Z., Medišauskienė, R., Miknys, R. *Lietuvos istorija*, vol. 8(2),

self-governing privileges in around 70 small towns, which were originally granted during the Polish–Lithuanian Commonwealth’s urban reforms (mainly from 1788 to 1792). Secondly, the Petersburg authorities established a governorate- and *uezd*-based municipal system (encompassing 10 towns), thereby effectively granting these towns the right to local self-government¹³. In 19th-century Lithuania, cities and towns were settlements with distinct social, legal, and economic structures, and their classification depended on the official recognition of the highest imperial institution. In the course of this reclassification process, the Russian authorities intensified their integration policies and adapted Russian legal frameworks for managing various urban issues. This applied not only to cities and towns as units of local government, but also to legal categories – namely, townsmen (*rus. meshchane*), merchants, guild craftsmen, and others. It also affected the large Jewish communities residing in towns and cities (many of them in towns known as *shtetl* in Yiddish). The legal status of Jews was exceptional and constantly evolving in the first half of the 19th century. The Russian Empire incorporated Lithuanian cities into its social and legal system, aiming to align them with the empire’s broader social structures. As a result, Russian rule emphasised control over social mobility in these cities by defining the rights of merchants, craftsmen, and townsmen according to their estate status and occupations¹⁴.

Turning to the economic dimension, the agrarian economy of Lithuania and the constraints on social mobility hindered the economic development of Lithuanian cities. Most smaller cities served as Russian administrative and military centres. An exception to this urban landscape was Vilnius, which in the 19th century became the socio-cultural and religious centre of the former Grand Duchy of Lithuania. In 1830, the population of

Vilnius 2011, pp. 201–202; 231; 368–369; A. Ambrulevičiūtė, *Vilniaus pirkliai XIX amžiuje: statusas, veikla, galimybės*, Vilnius 2016, pp. 32–52.

¹³ The Uezd district was the lowest level of the state administrative-territorial unit. Smaller districts known as *Uezds* (counties) comprised the empire’s governorate, the top tier of provincial administration. Each governorate had a central city, often referred to as the Gubernia centre, which served as the administrative, economic, and political hub of the province.

¹⁴ Bairašauskaitė, Medišauskienė, Miknys, *Lietuvos istorija* cit., pp. 355–374; Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 186–204.

Vilnius (Pol. Wilno, Rus. Vilna) had grown to approximately 40,000 inhabitants. In the middle of the 19th century, Kaunas (Pol. Kowno, Rus. Kovno) began to grow both economically and demographically. In the 19th century, the urban population in Lithuania remained small compared to the rural population, comprising only 4-6.5% of the total population (approximate figures due to distortions in demographic statistics; in Russia, the urban population accounted for about 4.2%). This percentage increased slightly over time, reaching 12.6% by 1897¹⁵. The towns saw relatively little trade, which was primarily concentrated in Vilnius and Kaunas, while manual labour and small-scale artisanal production formed the mainstay of economic activity in smaller urban centres, limiting their potential for broader economic growth.¹⁶

Because of these structural conditions, a legal framework Towns Law of 1785 regulated Lithuanian cities, dividing the urban population into estates (Rus. *Grazhdanstvo* or *Gorodskie Soslovii*) based on property and occupation¹⁷. Merchants (*купцы*) of the first and second guilds enjoyed the highest status and unique privileges. Townsmen (*meshchane*), though lower in status, could rise to the merchant guild if their economic position improved. Additionally, the cities contained nobles in trade, lawyers, bureaucrats, and other professionals, some of whom integrated into urban society's networks. Artisans organised in guilds (*tsekho-vye* or *remeslenniki*) also formed an essential part of local society. Over time, local government positions often guaranteed social advancement, and the overall city estate structure, while formally codified, was not always consistently enforced¹⁸. In the Lithu-

¹⁵ *Ibid.*, pp. 136-137.

¹⁶ *Ibid.*, pp. 136.

¹⁷ Mironov, *Bureaucratic or self-government* cit., pp. 236-239; Hildermeier, *Bürgertum und stadt* cit., pp. 73-75.

¹⁸ In Imperial Russia, the concept of an "urban estate system" (*meshchanskii soslovii*) was far from integral or consistent, encompassing multiple overlapping legal categories such as merchants, artisans, various guilds, and the so-called "people of various ranks" (*raznochintsy*). The absorption of lands formerly belonging to the Grand Duchy of Lithuania added another layer of complexity, as those territories brought differing local norms and legal traditions (E. K. Wirtschafter, *Structures of Society: Imperial Russia's 'People of Various Ranks'*, DeKalb 1994, pp. 18-19).

anian city context, this was especially the case between 1795 and 1808, after which greater uniformity was gradually introduced¹⁹.

The city's social composition was diverse, and it included Jews, who faced legal and social restrictions despite their economic contributions. Urban governance was equally varied, with Magistrates, Ratushi, and Dumas overseeing functions. City Dumas, established in 1785 as part of broader reforms, granted limited self-governance and representation²⁰. In 1808, they were introduced in Vilnius and Kaunas, displacing the older Magistrates that had operated under Magdeburg law. By instituting this shift, the Empire enforced an executive role for Dumas and left judicial powers with Magistrates, now subject to imperial law. Ratushi, meanwhile, served as administrative and judicial bodies of local self-government. According to imperial law, only statute towns (Rus. *etatnye goroda*)—those meeting specific economic, demographic, and administrative criteria—possessed these governance structures, while non-statutory towns were excluded²¹.

Urban governance was complex and hierarchical, with cities governed by Magistrates, Ratushi, and Dumas. City Dumas were municipal institutions established in 1785 within the cities of the Russian Empire as part of broader urban reforms. These institutions afforded urban populations a measure of local self-governance and representation, playing a crucial role in implementing state functions at the municipal level. In 1808, City Dumas were introduced in the Lithuanian cities of Vilnius and Kaunas, replacing the older Magistrates that had functioned under traditional city privileges and Magdeburg law²². This restructuring

¹⁹ Ambrulevičiūtė, *Vilniaus pirkliai* cit. pp. 94-132; Bairašauskaitė, Medišauskienė, Miknys, *Lietuvos istorija* cit., pp. 360-361; V. Pugačiauskas, *Vilniaus amatininkų cechų "biurokratija" XIX a.: struktūra, funkcijos, tradicijos*, «Lietuvos Istorijos Metraštis», (2014), pp. 69-92.

²⁰ Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 174-175.

²¹ V. Pugačiauskas, *Vilniaus miestiečių luomas XIX a. pirmojoje pusėje: žydų integracijos atvejais*, in *Kintančios Lietuvos visuomenė: struktūros, veikėjai, idėjos*, ed. O. Mastianica, V. Pugačiauskas, V. Žaltauskaitė, Vilnius 2015, pp. 282-293; T. Bairašauskaitė, *Vilniaus pirkliai XVIII a. pabaigoje-XIX a. ketvirtojo dešimtmečio viduryje: judėjų ir krikščionių padėties palyginimas*, in *Žydai Lietuvos ekonominėje-socialinėje struktūroje*, ed. V. Sirutavičius, D. Staliūnas, Vilnius 2003, pp. 27-50.

²² During the 14th and 18th centuries, many cities in the Grand Duchy of Lithuania adopted Magdeburg (German city) law as a model for their own urban order. Magdeburg Law was most often granted as part of a town's

resulted in a clear institutional division: Dumas assumed executive responsibilities and provided representation for all urban estates, while Magistrates retained judicial authority, now operating under Russian imperial law²³. Additionally, Ratushi were administrative and judicial bodies within the Russian Empire, also serving as representatives of local urban self-government. This hierarchical and selective system of governance not only reinforced imperial control but also institutionalised inequalities between statute and non-statutory towns, shaping the uneven development of urban self-government across the region.

Property owners, including merchants and craftsmen, had the right to vote and hold office, but the wealthier classes often dominated participation. Jewish participation in municipal governance was a contentious issue, with Jews frequently excluded or restricted in their roles. Yet, despite significant stratification, fragmentation, and ethnic segregation, some Jewish merchants and traders became members of the city's elite. Some members of the nobility permanently residing in the city – who had integrated due to their occupations (mostly in trade, the legal profession, or as property owners) or official positions – also became part of the urban elite. The historical analysis of imperial strategy implementation in Lithuanian cities must be grounded in historical context to understand how specific social structures, governance features, and other factors influenced policy processes, as well as how local elites navigated the associated constraints and opportunities.

This research reveals the development of the state bureaucratic field in cities as administrative centres. The bureaucratisation of governance in some Western cities was primarily a European-level process involving capitals, residential cities (for example, in the German lands), and eventually all larger administrative centres²⁴. It was a consequence of the rise of the state in relation to both larger and smaller independent cities, as well as

founding privileges. It outlined the legal framework for self-governance, granting cities a degree of autonomy from feudal lords and monarchs.

²³ B. Mironov, *Bureaucratic-or self-government* cit. p. 255.

²⁴ M. Walker, *German home towns: community, state, and general estate, 1648–1871*, Ithaca, 1998, pp. 185–213; 421–423; R. Roth, *German Urban Elites in the Eighteenth and Nineteenth Centuries*, in *Who Ran the Cities?* Ed. R. Roth, pp. 159–192.

of organisational modernisation. States in Europe directed their physical power towards the lower classes. The empires needed to develop a unitary, centralised government to implement statist reforms based on centralisation and to foster a pro-state identity. The Russian Empire's urban policies and centralising overhauls were similar, yet marked by numerous inconsistencies and gaps in implementation, owing to the distinctive governance and bureaucratic fields at the level of the gubernia.²⁵ In addition, the integration of newly annexed lands and geopolitical tensions (notably between 1807 and 1811, when the French army was positioned across the border along the Nemunas River and certain members of the Lithuanian nobility demonstrated limited loyalty) also played a significant role. Thus, this chapter examines the policies applied to Lithuanian cities and how the ruling urban elites attempted to avoid decisions they considered detrimental to the community and the municipality.

From 1800 to 1802, a bureaucratic field of the Russian Empire emerged, intended to establish a state monopoly within the Lithuanian gubernias as well as Lithuanian cities. This administrative domain was created by the Russian government according to the logic of its urban operations. Utilising the governorate's administrative system, the imperial apparatus aimed to ensure the effective fulfilment of state duties (Rus. *Zemskiiia povinnosti*)²⁶. For the performance of state functions, the urban elite (primarily consisting of guild-affiliated merchants and townspeople) served as an organisational resource and were partially integrated into the bureaucratic system²⁷.

The statement that the Russian Empire legitimised the urban elite's authority by reducing their operational independence may seem paradoxical, but it encapsulates the empire's strategy of formally recognising elite positions under tightly controlled conditions²⁸. Elected officials, while derived from local populations,

²⁵ Hildermeier, *Bürgertum und Stadt* cit. pp. 260-265; Mironov, *Bureaucratic-or self-government* cit. p. 249; Hausmann, *Stadt und lokale* cit., pp. 15-17.

²⁶ T. Bairašauskaitė, *Lietuvos bajorų savivalda XIX a. pirmojoje pusėje*, Vilnius 2003, pp. 225-227.

²⁷ Ambrulevičiūtė, *Vilniaus pirkliai* cit., pp. 330-335.; Bairašauskaitė, *Vilniaus pirkliai* cit., pp. 30-37; Civinskas, Glemža, *Kauno miestiečių elito* cit. pp. 186-237.

²⁸ *Ibid.*, pp. 161-175.

were supervised by the imperial government. They executed primarily the directives of gubernia authorities, diminishing their autonomy. To reinforce its domination, the empire also relied on police, *striapchi* (trustees overseeing city courts), and treasury chambers (Rus. *Kazennaya palata*), incrementally unifying administrative practices across annexed territories²⁹.

Furthermore, the imperial authorities established commissions to oversee city finances, often comprising local bureaucrats and nobles. This was especially crucial in places like Vilnius, Kaunas, and other significant towns in the early 19th century, where Tsarist government introduced various commissions to manage duties, accommodations, and treasury inspections³⁰. These policies reflected the empire's desire to adapt city governance to an imperial order and secure crucial obligations (*Zemskii* duties), such as quartering soldiers and maintaining infrastructure for the army³¹.

As research shows, the urban elites of Kaunas and Vilnius concentrated and carried out the administration of individual services delegated by imperial officials, financing them either from the cities' financial resources or by using alternative means³². It is true that city officials' discretion in providing services was limited, and they were therefore obliged to properly administer and implement decisions that had already been made; failure to comply with such orders could result in removal from office, prosecution, or even corporal punishment, as occurred in 1806. Officials had to be resourceful when borrowing or selling assets (Vilnius' debts increased significantly in the early 19th century). For example, Kaunas sold land it owned (known as Freda Man-

²⁹ *Ibid.*, pp. 158-173; V. Pugačiauskas, *Vilniaus miesto policijos kaita XVIII a. pab.–XIX a. pr.: pareigūnai, struktūra, funkcijos. Istorija*, «Lietuvos aukštųjų mokyklų mokslo darbai» 126(2) (2022), pp. 46-62; V. Pugačiauskas, *Magistrat wileński w pierwszych latach pod zaborem rosyjskim (1794-1808)*, «Biuletyn historii pogranicza» N. 2 (2001), pp. 19-29.

³⁰ Pugačiauskas, *Vilniaus savivaldos institucijos* cit., pp. 160-161; Civinskas, Glemža, *Kauno miestiečių elito* cit. pp. 258-260.

³¹ *Ibid.*, p. 142; S. Godek, *O stanie i potrzebach guberni litewskich w roku 1810 w świetle protokołów czynności delegacji szlacheckiej w Petersburgu*, «Zeszyty Prawnicze», 14 (2016), p. 52.

³² Bairašauskaitė, *Lietuvos bajorų savivalda* cit. pp.225-227; V. Pugačiauskas, *Vilniaus miesto finansiniai ištekliai XVIII a. pabaigos–XIX a. pirmos pusės pajamų ir išlaidų knygoje*, «Lietuvos istorijos metraštis» (2018), pp. 58-59.

or), which had become part of the Kingdom of Prussia after 1795, and used the proceeds to finance military and police forces, as well as the maintenance of the post office. During the first decade of the 19th century, military, postal, and police duties accounted for 85–93% of the city's treasury appropriations³³. The city's financial and economic situation was critical. Remarkably, this environment became a source of tension within urban society. Members of the magistrate had to demonstrate to the community that they were acting lawfully and not abusing their office. This atmosphere of constraint fostered multiple conflicts and forced local elites to develop various methods of resistance or negotiation with imperial structures.

According to the research findings, the urban elites of Vilnius and Kaunas employed strategies of resistance in defence of Christian communal rights and local traditions. While formally subordinate to the empire and obliged to follow its directives, they engaged state officials through petitions, complaints, personal visits, and at times bribery—although this latter strategy had limited efficacy due to the bureaucratic system's rigidity³⁴. Most notably, legal action was a key avenue for elites—Kaunas elites even appealed to the Senate in St. Petersburg before 1808, leveraging “old laws” such as city privileges and other legislation. Simultaneously, the Vilnius Magistrate approached the nobility and aristocrats in the Vilnius Gubernia to oppose any decisions deemed overly detrimental³⁵. Occasionally, these efforts succeeded because gubernia authorities took certain aristocratic demands into consideration³⁶.

In conclusion to this first section, the integration of Lithuanian cities into the Russian imperial system led to the gradual erosion of municipal autonomy and the subordination of urban elites to a centralised bureaucratic apparatus shaped by imperial institutions. Despite their limited power, elites in cities like Vilnius and Kaunas employed petitions, legal appeals, and historical

³³ *Ibid.*, pp. 59–62; Pugačiauskas, *Vilniaus miesto policijos kaita* cit. p. 52; Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 140–151.

³⁴ R. Civinskas, *Disputes between jews and townspeople in Lithuania and Russia's policies concerning jews*, in *Central and East European Jews at the Crossroads of Tradition and Modernity*. Vilnius, 2006, pp. 332–360.

³⁵ Pugačiauskas, *Vilniaus savivaldos institucijos* cit., pp. 153; 161–162.

³⁶ Civinskas, Glemža, *Kauno miestiečių elito* cit., p. 147.

claims to resist or delay reforms that threatened their traditional privileges. While these strategies occasionally influenced imperial decisions, the overarching trend was one of increasing administrative control, reflecting the empire's broader objectives of centralisation and social reorganisation.

2. *Lithuanian cities under imperial rule: establishing new institutions*

Shifting focus to the formal establishment of new institutions, the annexation of Lithuanian territories, the Russian Empire undertook a gradual centralisation of urban governance, reducing municipal autonomy and aligning city institutions with imperial norms. These changes were driven by both integration policies and strategic concerns, including preparations for war with France and the militarisation of urban spaces. Local dynamics, such as internal conflicts among urban elites, further influenced the pace and character of these transformations.

In 1808, a major change occurred when the imperial authorities reorganised local institutions based on the Russian gubernia model and Russian Empire city law. Vilnius and Kaunas restored the Dumas, while the *Uežd* cities established Ratushi³⁷. The Governor of Vilnius Governorate explained that the cities' inability to manage their finances and submit reports on time prompted this decision. The town case study demonstrates that the decision was also influenced by the division of the Kaunas urban ruling elite into two parties, engaged in conflict over a range of issues. This conflict frustrated the Russian authorities, as it placed an additional burden on the governorate through constant petitions, complaints, and appeals to the courts. At the same time, it delayed the fulfilment of *Zemskii* duties³⁸. In addition, the imperial authorities sought to avoid exacerbating relations with the city's ruling elite and aimed to integrate the city into the general structure of state governance by moderate means. For a time, Vilnius did not fully apply the imperial city law, allowing the old city privileges and Magdeburg Law to remain partially in effect. Kaunas achieved legal unification

³⁷ *Ibid.*, p. 148; Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 164–168.

³⁸ Pugačiauskas, *Vilniaus savivaldos institucijos* cit., p. 158.

much more quickly. This demonstrates that the integration process was contingent on the unique circumstances of each city. Furthermore, the Vilnius Governorate authorities avoided the coalescence of the two legal systems (although this was provided for in imperial law) and instead sought to proceed through administrative decisions. In other words, the urban elites were not directly or explicitly informed that the old Vilnius privileges were no longer valid. This process entailed the gradual unification of urban governance in accordance with Russian administrative procedures and institutional structures. Consequently, it led to the consolidation of the imperial bureaucratic field, within which the city elite lost actual decision-making power and could no longer effectively oppose the Russian authorities by appealing to previously recognised rights.

Over time, these rulings from Petersburg institutions, as well as the administrative decisions of the governor-general, brought about a change in the institutional landscape of Lithuanian cities. The Vilnius and Kaunas magistrates transitioned into criminal courts, and the newly established Dumas assumed executive functions³⁹. The elected Duma presidents (Rus. *Gorodskoy golova*) and councillors possessed minimal decision-making discretion and remained highly dependent on imperial authority⁴⁰. It is noteworthy that imperial city law did not regulate the subordination relations between the city and the gubernatorial authorities. The Governor of Vilnius Gubernia and the institutions under his authority implemented these transformations with the aim of reinforcing control over local institutions by subordinating the Dumas, Magistrates, and Ratushi to the Gubernia Board. This was achieved through

³⁹ Ibid., pp. 154-161; Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 164-171.

⁴⁰ The city president was formally elected by eligible urban residents and members of the urban estates (*soslovie*) from among the ranks of the City Duma. However, the final appointment required the approval of the gubernia governor. Although the city president chaired the Duma and acted as the official representative of the city, his powers were limited, and he was expected to implement state policies rather than exercise independent authority. This arrangement exemplified the broader imperial strategy of granting nominal self-government while maintaining strict administrative oversight (Mironov, *Bureaucratic-or self-government* cit. p. 236-239).

a process of centralisation, bureaucratisation, and unification. First, Kaunas underwent the planned reorganisations, followed by Vilnius and other cities. Thus, the city authorities served the imperial institutions by carrying out orders from the governor-general to the military commandant.

Between 1818 and 1840, further integration ensued. There were several important developments in this process. First, the reorganisation and bureaucratisation of the city culminated in the unification of Kaunas' administration between 1818 and 1822⁴¹. The political importance of Vilnius delayed its integration until 1832–1834. Secondly, in 1832, the president of the Vilnius Duma formally requested the restoration of city privileges from the Governor General of Vilnius. In response, the head of the governorate directly informed him that these privileges were no longer valid, as they were incompatible with Russian law and imperial policy. Thus, the city's governance was effectively based on the Russian Empire's Towns Law of 1785 (with editions issued in 1832, 1842, and 1857) and the administrative decisions of the Vilnius governorate authorities⁴². It should be noted, however, that the Russian authorities prioritised the unification of urban administration and postponed the reorganisation of the courts.

As previously noted, part of the ruling elite of Kaunas symbolically opposed the transformations implemented by the Russian authorities. They appealed to the gubernatorial administration and to the Senate in St Petersburg in an effort to protect the rights of the urban community, drawing on the city's old privileges and legal traditions. The townspeople's efforts to defend their rights continued from 1804 to 1811 and encompassed various domains, including the city's treasury and finances, elections, and the legal status of citizens⁴³. The composition of the opposing group within the elite was not socio-economically homogeneous, but it was characterised by a distinct confessional identity: it was primarily led by Protestant figures. This reflected

⁴¹ Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 171–174.

⁴² Pugačiauskas, Vilniaus savivaldos institucijos cit. p. 158; A. Ragauskas, *Vilniaus miesto valdžios elito nobilitacinės privilegijos (1568 m.) likimas Rusijos imperijoje (XIX a. pirmasis-trečiasis dešimtmečiai)*. « Vilniaus istorijos metraštis », 2007, pp. 79–96.

⁴³ Civinskas, Glemža, *Kauno miestiečių elito* cit., pp. 171–174

a long-standing division within the urban elite between Protestant and Catholic groups, dating back to the 15th and 16th centuries. By the early 19th century, the Catholic faction had incorporated some influential Protestants, yet a separate Protestant-led group emerged in opposition⁴⁴. One of its leaders, a merchant who had migrated from Riga in the late 18th century, actively invoked the Russian Empire's urban law to legitimise his position – suggesting that his familiarity with imperial legislation may have been used strategically to advance both communal and personal interests. As case studies of individual conflicts show, the resistance of some Kaunas elites was motivated by their deep attachment to local tradition and the belief that they could still influence imperial decisions. Nonetheless, this strategy ultimately proved unsuccessful.

The transformation of urban governance in Lithuanian cities under Russian imperial rule can be understood as a struggle within a hierarchical bureaucratic field, in which state institutions sought to assert their authority over local political actors. The imperial administration imposed a centralised model that redefined the rules of municipal autonomy, subordinating city institutions such as the Dumas, Magistrates, and Ratushi to gubernia-level control. In response, urban elites – particularly in Vilnius and Kaunas – attempted to assert their interests through legal appeals, petitions, and strategic engagement with imperial authorities. These elites drew on their historical privileges, social networks, and local legitimacy to contest the new administrative order. However, the capacity of the imperial state to impose uniform structures, redefine legal norms, and concentrate decision-making power effectively limited the space for autonomous local action. As a result, city elites were gradually repositioned as subordinate actors within a bureaucratic system increasingly dominated by imperial logic and interests.

⁴⁴ R. Civinskas, *Kauno magistrato raštininko karjeros pėdsakais: Motiejus Požerškis (Požėra)(1769–1813)*. «Kauno istorijos metraštis», 18 (2020), pp. 23–45.

3. *The struggle for small-town rights in Lithuania*

Turning from major urban centres to small towns, the policy of integration and unification of social orders in Russian Lithuania, along with the accompanying territorial-administrative reforms, had a marked impact on small towns (Polish. *miasteczko*). These settlements ranged in population from as few as 70–80 inhabitants to nearly a thousand. However, only a segment of the population – specifically the Christian townspeople – formed the core of the urban community recognised by imperial authorities and targeted by Russian urban policy⁴⁵. Between 1788 and 1792, institutions of the former Polish–Lithuanian Commonwealth had extended self-governance and townsmen estate rights to the Christian inhabitants of these towns. Under the 1791 Law on the Governance of Towns, Christian communities could acquire the legal status of a town and the accompanying rights through royal privileges. These reforms, driven both by state policy and an emerging townsmen movement led by elites from larger cities, briefly conferred meaningful benefits upon local communities⁴⁶. However, during the process of the Third Partition of the Polish–Lithuanian Commonwealth and the political turmoil of 1792–1794, these privileges – along with all legal acts passed by the so-called Reform Parliament – were revoked by a decree of Catherine II in 1794. This decree annulled the legal basis for municipal self-government in these territories, effectively dismantling the gains of the Commonwealth's towns reform.

In the aftermath, Russian imperial institutions acted decisively to reclaim towns, declassify townsmen, and abolish town self-governance. Acting on the legal foundation established by Catherine II's 1794 decree, they confiscated privileges and seals, closed town halls, and imprisoned dissenters – many of whom were poorly educated and unfamiliar with the legal intricacies of their rights⁴⁷. Nonetheless, a portion of the urban elite, albeit small, clearly identified with the recently acquired legal status of townsmen and sought to defend it through petitions and other legal means. This group – though representing a minority – can be regarded as the emergent urban elite of the Christian com-

⁴⁵ Civinskas, *Miestiečių luomo siaurinimas* cit., pp. 119–144.

⁴⁶ Glemža, *Lietuvos Didžiosios Kunigaikštystės* cit., pp. 124–137.

⁴⁷ Civinskas, *Miestiečių luomo siaurinimas* cit., pp. 125–143.

munity in some towns. In approximately 10 out of 70 towns, such individuals distinguished themselves through literacy, civic engagement, and sustained efforts to retain their legal and social status⁴⁸. While the broader classification of small-town inhabitants as an 'urban elite' remains open to interpretation, these cases highlight the presence of actors who actively resisted the erosion of their municipal rights and strove to maintain their newly acquired identity as townsmen.

Meanwhile, the Russian government, in conjunction with local nobility closed down 70 town councils in small towns between 1795 and 1840⁴⁹. These towns failed to conform to the administrative framework and classification criteria established by the imperial authorities and were therefore excluded from recognition as either statutory or non-statutory urban settlements within the *uezd* administrative units. It is true that the elites of these small towns sought to defend their rights and submitted petitions in support of their claims. Town leaders pursued their cause through formal complaints and petitions addressed to the Vilnius Governorate, higher courts, and even the ruling Senate in St Petersburg. Overall, one can observe a collective mobilisation of urban elites aiming to preserve the urban traditions and self-government once guaranteed by the former state. Only the elites of two towns – Šeduva (*Szadoma*) and Joniškis (*Yanishki*) – succeeded, owing to the Senate's recognition of their historical privileges and a set of favourable contextual circumstances⁵⁰. The leaders of these towns demonstrated a clear commitment to defending their rights and effectively utilised legal mechanisms, adopting a strategic approach that positioned them as active participants within the imperial bureaucratic field.

As was mentioned, paradoxically, the townsmen of the six statute towns (*etatnye goroda*; *uezd* centre towns) were compelled to fight for their own estate rights⁵¹. Between 1795 and 1803, the

⁴⁸ Ibid., pp. 139-143.

⁴⁹ Ibid.

⁵⁰ Ibid., pp. 133-138.

⁵¹ R. Miknys, *Šiaulių miestiečių kovos dėl miesto žemės su grafais Zubovais XIX a. I pusėje*, in *Praeities pėdsakai: skiriama profesoriaus daktaro Zigmanto Kiaupos 65-mečiui*. ed. E. Rimša, Vilnius 2007, pp. 417-420; R. Miknys, *Zubovų giminė ir Šiaulių miesto savivaldos reikalai XIX amžiuje* (giminės integracijos į miesto visuomenę, aspektas), in *Kintančios Lietuvos visuomenė: struktūros, veikėjai, idėjos*,

authorities in St Petersburg abolished these towns' self-government and municipal privileges, only to later restore them – either in response to appeals or upon recognising that the resulting arrangements did not conform to the bureaucratic models of town and *gubernia* governance. In one notable case, the state even purchased the privately owned town of Panevėžys (*Panevesh*) to bring it in line with imperial administrative requirements⁵².

One episode illustrating the attitude of Vilnius Governorate's high officials is described as follows. In 1802, the Vice Governor of Vilnius Governorate, Danil Lanskoj, visited eight towns during his official inspection and formed a negative impression of them. When he arrived in Panevėžys, he closed down the Ratusha, which, according to him, was hindering the management of the town by its private owner⁵³. Later, in order to obtain approval for the abolition of the town hall in Panevėžys, he appealed to the Senate and proposed that the town halls in the other towns should also be abolished. In one of his reports on city populations, he wrote the following:

*These towns, or rather county towns, have few inhabitants; there is no serious trade, and therefore no merchants. The towns' residents live in absolute poverty. The Christians primarily work in agriculture. The Jews run taverns and engage in petty trade. [...] Scribes manage the town's affairs because the majority of the population is illiterate*⁵⁴.

ed. O. Mastianica, V. Pugačiauskas, V. Žaltauskaitė, Vilnius, 2015, pp. 273-275.

⁵² R. Civinskas, *Panevėžio statusas XIX a. pradžioje: miestas ar kaimas?* in *Iš Panevėžio praeities: savivaldos bruožai*, edd. A. Astramskas, D. Pilkauskas, Panevėžys 2005, pp. 25-35.

⁵³ During the period of the Grand Duchy of Lithuania, elderly jurisdiction in powiat towns (county-level towns serving as administrative centres) referred to the local authority exercised by state-appointed elders. This authority was typically limited to a specific part of the town, known as the elder's jurisdiction. Even in powiat towns that were privately owned – by nobles, royal officials, or the Church – the urban community often retained a degree of self-governance, particularly in matters concerning internal urban affairs. In the case of Panevėžys, the situation was atypical in that the entire town was controlled by a private owner, while only a small part of it fell under state jurisdiction.

⁵⁴ Report from Vilnius Governor D. Lanskoj to Minister of the Interior Viktor Kochubey, 19 02 1803, *Lithuanian State Historical Archives*, f.378, BS1803, b. 446, p. 2.

The Governor General of Vilnius, Leotij Benigsenn, fully agreed with the Governor of Vilnius, D. Lanskoj. Their decision was based on several arguments: the financial damage caused by the mismanagement of municipal finances, as well as the interference of the city's hired lawyers and scribes in court cases. Interestingly, they accused the city burgomasters and clerks of charging for their work, arguing that this was not the practice in Russian cities. Thus, the inconsistency with the Russian model shaped the attitudes of high-ranking officials⁵⁵.

The integration of small Lithuanian towns into the Russian imperial administrative order reveals the asymmetric power relations at the core of imperial governance and underscores the structural limitations faced by local actors within the emerging bureaucratic field. While a small segment of Christian townspeople – particularly in places such as Šeduva and Joniškis – mobilised to defend their estate rights and urban status through legal petitions and appeals, the vast majority of settlements failed to meet the imperial criteria for recognition as statutory towns. These efforts, although grounded in an emerging sense of municipal identity, were constrained by the limited economic and cultural capital available to town leaders, many of whom lacked formal education and bureaucratic literacy. Within a field dominated by imperial officials and shaped by the logic of administrative rationalisation, townspeople were relegated to the periphery of decision-making processes. The Russian authorities, operating from a position of institutional dominance, imposed autocratic and centralised decision-making. Moreover, the capacity of small towns to defend the rights of their citizens was severely restricted due to legal barriers, and only a few succeeded in doing so.

4. Vilnius and Kaunas: the role of Christian urban elites in shaping Jewish policies

Shifting focus to the “Jewish question, the implementation of Jewish policies, commonly framed as such in Russian imperial policy discourse, faced numerous challenges in Lithuanian towns during the first half of the 19th century and became a “wicked

⁵⁵ Civinskas, *Miestiečių luomo siaurinimas* cit., pp. 133–138.

problem” for the Russian emperors⁵⁶. Thorough research has identified a number of complex reasons for this. Some of these factors relate to the Christian community’s economic, political, and cultural interests⁵⁷. Firstly, economic competition, social structures, and political policies shaped the conflicts between Jewish and Christian townspeople, particularly in Vilnius and Kaunas⁵⁸. As the Russian Empire annexed Lithuanian territories, its policies aimed to integrate Jewish communities into the imperial townsmen (*meschane*) estate, granting them rights that often clashed with existing Christian town privileges. Economic competition in trade and crafts, along with deep-rooted social divisions, further fuelled these tensions as both communities vied for influence in the towns’ economic and political spheres.

Russian imperial policies initially aimed to include Jews in mainstream town life, yet their inconsistent application often exacerbated local conflicts. Reforms introduced by Russian emperors (Catherine II, Alexander I, and Nikolai I) removed some restrictions on Jewish social and legal status, but the lack of uniform enforcement caused confusion and provoked resistance from Christian urban elites, who viewed Jews as outsiders. High-ranking officials in the Russian Empire, favouring control over the perceived “otherness” of Jews, often sided with the Christian townspeople. Measures such as relocating Jews to specific cities or towns, restricting their residency, and preventing their participation in municipal elections, reflected the government’s strategy of managing the Jewish population while simultaneously preserving the privileges of Christian townsmen.

Despite these efforts to limit their autonomy, Jewish communities continued to assert their rights through legal challenges and appeals. Jews often made up a quarter to a third, or even

⁵⁶ Klier, *Russia gathers her Jews* cit., pp. 113-114; 142; 180; M. Stanislawski, *Tsar Nicholas I and The Transformation of Jews Society in Russia 1825 - 1855*, Philadelphia, 1983, pp. 154-160.

⁵⁷ R. Civinskas, *Rusijos politikos įtaka žydų miestiečių ekonominei veiklai XIX a. pirmojoje pusėje*, in *Žydai Lietuvos ekonominėje-socialinėje struktūroje*, edd. V. Sirutavičius, D. Staliūnas, Vilnius 2006, pp. 51-78; Zalkin, *Jewish Urbanization*, 124-127; R. Pugačiauskas, *Vilniaus miestiečių luomas* cit. pp. 282-293; Bairašauskaitė, *Vilniaus pirkliai* cit., pp. 49-50; R. Civinskas, *Kauno žydų integracija į miestiečių luomą*, «Darbai ir dienos», (2001) pp. 51-66.

⁵⁸ Ibid., cit., pp. 53-55.

more, of the population, yet in some towns or parts of towns, they were forbidden to reside. In certain cases, such as Vilnius and Kaunas, Jews were able to live in previously restricted areas and even participated in municipal elections. However, these victories were often short-lived, as Christian guilds and local authorities lodged complaints with the Russian government, resulting in the reversal or dilution of reforms. The resulting social landscape saw Jewish integration remain partial, preserving a stark divide between Jewish and Christian communities in Lithuanian cities⁵⁹.

Mid-19th century reforms aimed to integrate Jews into the Russian imperial urban estate (*soslovie*) system. However, the outcomes of these reforms proved to be unexpected, ultimately reinforcing the division between Jewish and Christian townspeople. Local institutions continued to classify Jews separately from other urban residents and recognised the existence of distinct Jewish craft guilds⁶⁰. Although Emperor Alexander II lifted certain restrictions, the Jewish community remained largely isolated within the urban population, constituting a “sub-estate” in *soslovie* system. The failure of these reforms underscored both the limitations of Russian efforts to achieve social integration and the enduring nature of ethno-religious boundaries within the empire.

In 1816, the issue resurfaced when Governor-General Alexander Rimsky-Korsakov attempted to allow Jewish representation in the Vilnius Duma⁶¹. Despite resistance from Vilnius Duma officials, who considered the appointment of Jewish councillors illegal, Rimsky-Korsakov pressed forward, encouraged by complaints from the Jewish community elite. When Vilnius officials refused to cooperate, citing the city’s historic privileges, they were arrested. Following appeals, the Senate intervened and eventually decreed in 1817 that Jews should not be elected to the Duma – a decision reaffirmed in 1836. This set a precedent in Lithuania, with Jews being excluded from self-gov-

⁵⁹ Ambrulevičiūtė, *Vilniaus pirkliai* cit., pp. 391–392; Pugačiauskas, *Vilniaus miestiečių luomas* cit., pp. 282–293.

⁶⁰ Civinskas, *Disputes between Jews* cit., pp. 61–68.

⁶¹ Ibid, pp. 61–65; Pugačiauskas, *Vilniaus savivaldos institucijos* cit. pp. 160–162.

ernment bodies until 1835⁶². The “Jewish question,” particularly concerns over Christian protection, frequently influenced official decisions during this period.

Following the 1835 Jewish Regulations, which legalised Jewish participation in municipal government, Jews in Kaunas sought the right to take part in local elections. Despite objections from the Kaunas Duma and Governor-General N. Dolgorukov, the authorities in St Petersburg permitted Jewish representation in municipal institutions, with the exception of Vilnius⁶³. In 1836, amendments allowed Jews to comprise up to one-third of town hall and magistrate officials in cities where such representation had historical precedent. The question of Jewish electoral rights remained a matter of ongoing debate, reflecting the persistent tensions between Jewish communities and Christian urban elites over control of municipal governance in the 19th century. The opposition of the Christian elite, combined with various legal restrictions, significantly hindered the integration of Jews into the Duma and Ratushi administrations.

The implementation of Jewish policies in Lithuanian towns during the first half of the 19th century illustrates the dynamics of a contested bureaucratic field, in which different actors—imperial officials, Christian urban elites, and Jewish communities—competed for influence and legitimacy. While the Russian state sought to engineer social order by integrating Jews into the urban estate system, its policies were inconsistently applied and often obstructed by entrenched local interests. Christian townsmen elites, whose economic and political status was rooted in longstanding privileges, viewed Jewish inclusion as a direct challenge to their authority and mobilised their limited capital—legal knowledge, historical rights, and connections to imperial administrators—to resist these reforms. By exploiting the ambiguities and inconsistencies within the imperial system, they were able to mount an effective strategy within the political field to delay or prevent Jewish participation in municipal governance. Although Jewish communities asserted their rights through legal means and achieved occasional gains, their classification as a separate ethno-confessional group and the enduring resistance from

⁶² Ibid.

⁶³ Civinskas, *Kauno žydų integracija* cit., pp. 53-55; Pugačiauskas, *Vilniaus miestiečių luomas* cit., pp. 282-293.

Christian elites ultimately limited their integration. The outcome was a fragmented and unequal urban order, shaped not only by imperial objectives but also by the strategic actions of local actors navigating the constraints and opportunities of empire.

Conclusion

This study has shown that Lithuanian townsmen elites' responses to Russian imperial reforms (1795–1863) reflected a complex interplay of adaptation, negotiation, and resistance. Although these elites often recognised the overarching authority of the empire, they employed various strategies – from formal petitions and appeals to selective legal challenges – that enabled them to retain certain privileges and forms of local autonomy. In the cities and towns of the Vilnius governorate, townsmen communities gradually became part of the empire's administrative framework, typically resulting in a diminution of self-governing powers. Simultaneously, tensions surrounded the integration of Jewish communities, which involved multiple layers of social, economic, and religious contention. The empire constructed a “bureaucratic institutional field” wherein the imperial state sought to monopolise legitimate authority, while local elites aimed to preserve or renew their long-standing practices and civic identities. These townsmen elites mobilised social and economic forms of capital, as well as cultural or symbolic capital derived from historical traditions and identities. By strategically deploying these different types of capital, they sought to negotiate favourable positions within the empire's newly imposed local structures. Although military strength and administrative centralisation frequently overshadowed these efforts, important pockets of local agency remained. Overall, this historical analysis illustrates not a monolithic subjugation of local actors by imperial power, but rather a dialectical process in which Lithuanian city dwellers contested, complied with, and, on occasion, re-shaped the frameworks of imperial governance to accommodate local needs and collective aspirations.

Interpreted through a sociological lens that highlights fields of power and varied forms of capital, the study's findings demonstrate how these elites operated within a hierarchical political and administrative environment yet managed to exert some in-

fluence over governance. The “bureaucratic field” expanded as the empire introduced treasury chambers, governorate boards, and supervisory commissions, even while local actors maintained cultural and symbolic capital rooted in historical precedents, urban privileges, and entrenched patronage networks. This interplay became particularly evident in disputes over municipal finances, forced quartering of soldiers, and legal jurisdiction over craft guilds and merchant activities. A reciprocal tension arose between imperial functionaries, who claimed the right to unify laws and procedures, and local actors, who insisted on the continued importance of older rights. Moreover, the Christian nobility employed existing social and symbolic capital to restrict the influence of Jewish merchants and townspeople, whose integration into city governance they perceived as a threat to their privileged standing. These Christian elites drew on personal ties to imperial officials or leveraged shared religious and cultural values to shape official decisions, effectively limiting Jewish aspirations for full municipal participation. Conceptually, this dynamic can be viewed as a struggle to define the boundaries and rules of the “bureaucratic field” at the local level – while imperial authorities aimed for centralised decision-making, local elites sought to interpret or reinterpret rules to retain their role in municipal institutions. The result was an uneven, often contradictory form of integration, where some privileges were revoked, others adapted, and certain ones covertly retained.

A similarly contested process manifested in smaller towns, especially where new or reclassified settlements failed to meet imperial “statute” standards. These areas highlight extreme structural disadvantages: lacking robust economic and cultural capital (for instance, many leaders were illiterate and unfamiliar with legal regulations), inhabitants often struggled to avert the dissolution of their town councils or to maintain self-governing rights. Only in exceptional situations – such as in Seduva or Joniškis – did local elites effectively use discursive, cultural, and social capital to persuade imperial authorities (e.g. the Senate) to acknowledge historical privileges and sustain a degree of autonomy. It is also noteworthy that both the private owners of these towns and certain aspects of the legal framework were frequently opposed to them. In this context, small-town leaders occupied the margins of a broader political field, with limited capacity to shape decisions. Failure to align with the prevailing

imperial logic often resulted in the closure of town halls, the revocation of seals, or even the imprisonment of local officials, underscoring the fragility of any concessions they managed to obtain from the centre.

Taken as a whole, the case of Lithuanian urban elites provides valuable insights into how local agency survived amid the advance of imperial power. Although the Russian Empire's overarching objectives – centralisation, fiscal extraction, and social engineering – appeared daunting, the everyday realities of administration left space for manoeuvre. Applying a field-theoretical perspective reveals that these city elites inhabited an evolving political field where multiple forms of capital intersected with official regulations. Their partial successes and frequent setbacks were neither arbitrary nor uniform, but indicative of a structure in which the empire claimed supreme legitimacy while relying on local actors to carry out administrative tasks. The inclusion of Jewish communities, in particular, shone a light on the internal inconsistencies of a system that espoused uniform governance yet repeatedly bowed to the entrenched social hierarchy of Christian elites. The “wicked problem” of Jewish integration illustrates how religious, cultural, and economic capital could fuel conflicts over city charters and electoral participation. Hence, the Lithuanian experience shows that imperial rule in the 19th century was neither entirely top-down nor wholly receptive to local demands; it was a flexible process shaped by local customs, moral economies, and the deliberate utilisation of diverse resources. Ultimately, this study reveals how urban elites navigated the gaps and paradoxes in state policy to defend or even extend their autonomy, while simultaneously highlighting the empire's ability to adjust, negotiate, and solidify its control by co-opting or dividing local resistance. By illuminating the interplay among structural constraints, agentive tactics, and symbolic repertoires, these findings offer a deeper understanding of how 19th-century Eastern European urban societies negotiated political orders. They also enrich the broader historiographical debate on balancing imperial centralisation with local initiatives – emphasising that even under highly centralised regimes, spaces for contestation could arise and endure through a careful manipulation of legal, social, and symbolic fields.

STEINAR AAS, MIRIAM TVEIT

*Urban history in Norwegian historiography:
Discourses of urban order*

Abstract: This paper addresses some of the peculiarities in Norwegian history regarding urban order. It also outlines the development of urban history as a field of research among Norwegian historians. Using some examples of discourses of urban order, we highlight some of the methodological and theoretical lacunas within the relevant historical literature. Urban order seems to have been approached by Norwegian urban historians with a greater focus on institutions and actors of initiatives behind organisations of urban order, rather than on the social processes of people acting within an urban space, thereby constructing or challenging urban order. This tendency likely stems from the identity of Norwegian historians within the field of urban history. The majority do not consider themselves as urban historians, and consequently do not deal with urban history as such. Urban history as a research topic has been conducted by all-round historians aiming to write a total history about urban space. These approaches have weakened the connection between Norwegian urban historians, and the broader theoretical frameworks, methodological developments, and international networks within the field. Consequently, this situation also has made the theoretical connection to urban history more detached. The result also has been a rather superfluous attitude towards a topic like urban order. This paper will both try to deal with the meta debates among historians when it comes to urban order, so it will also deal with the peculiarities of Norwegian urban history.

Keywords: Norway; historiography; law; social history; port cities.

Peculiarities in the Norwegian urbanisation process

How have Norwegian historians engaged with the concept of “urban order” over the course of 200 years of professional historical writing? Typically, they have explored urban history through monographs on individual urban settlements or densely populated areas, aiming to provide comprehensive histories of these spaces¹. This tradition began relatively early for some

¹ J. E. Myhre, *Nordic urban history and urban historians in the last decade*, in «Urban History Yearbook», vol 15, 1988, pp. 65-66.

towns². Alongside these broader studies, more specialised works, including archaeological studies and thematic research on specific urban aspects, have also emerged³. As a result, despite Norway's relatively slow urbanisation throughout its history, the country boasts an extensive historiography on its urban development. This body of work reflects not only the gradual evolution of urban spaces, but also the broader social, economic, and political transformations that have shaped Norway's towns and cities over time. It further encompasses discourses on urban order, both from the historical periods in question and from the contexts in which the histories were written. Consequently, to understand how historians of Norwegian urban history have approached the concept of urban order, it would be most effective to analyse key narratives within this body of scholarship. This paper examines how Norwegian historians have conceptualized and imposed urban order – a concept marked by the peculiarities of urban order, with multiple meanings and contents – focusing solely on the historiographical level rather than on urban life itself. Our analysis is structured around three tiers: The first tier, a normative perspective, investigates how these scholars have employed institutional frameworks – such as normative matters like laws and moral codes – to define and enforce urban order. The second tier adopts a social constructivist perspective, examining how everyday relationships and disruptions, as portrayed in the historiography, have shaped ideas of urban order. The third tier explores the basal elements that constitute urban order in historical scholarship, including infrastructure, hygiene, and security. By analyzing these three historiographical levels, we aim to uncover what the attempts to impose order reveal about the

² F. E. Eliassen, *Småbyenes storhetstid, ca. 1500-1830*, in (eds.), *Norsk byhistorie. Urbanisering gjennom 1300 år*, edd. K. Helle, F.-E. Eliassen, J. E. Myhre, O. S. Stugu, Oslo 2006, p. 237.

³ Ex. B. Solli, *Kjøpstedet på Veøya i Romsdal*, in *De første 200 årene-nytt blikk på 27 skandinaviske middelalderbyer*, ed. A. H. Andersson, G. Hansen, and I. Øye, UBAS Nordisk 5, Bergen 2005, pp. 109–124; S. Myrvoll, *Handelstorget in Skien: a study of activity on an early medieval site*, Bergen: Riksantikvaren, Utgravningskontoret for Bergen, 1992; A. Christophersen, *The waterfront and beyond. Commercial activity and the making of townscapes*, in *Publications from the National Museum. Studies in archaeology & history*, Trondheim 1999, 161–168.

scholars' understanding of urbanity, without directly assessing the realities of urban life.

The historiography of the Norwegian urbanisation process

Urbanisation in Norway can be traced back to the 11th century, although towns and villages were relatively few and far apart throughout the Middle Ages. Not all the fifteen settlements established during that period have survived into the modern era, but the majority are part of contemporary towns⁴. Research into the historiography of Norwegian urban development is typically divided into four distinct periods. The first covers the premodern and medieval era, extending up to around 1500, characterised by the early formation of towns and the initial stages of urbanisation. The second period, from 1500 to 1830, represents a significant phase in urban history, during which towns began to play a more central role in trade and governance, though urban growth remained slow. The third period, spanning from 1830 until the interwar years, witnessed the transformative effects of industrialisation, which drove significant urban expansion and migration from rural areas to towns and cities. This era marks the most rapid and dynamic period of urbanisation in Norway's history. Finally, the post-interwar period, often treated as a distinct phase in urban studies, witnessed social, economic, and spatial transformations in response to post-industrial developments, suburbanisation, and modern planning efforts. Each of these periods represents critical shifts in the understanding and development of urban spaces in Norway⁵.

Many of the oldest towns have documented several historical monographies – urban biographies – on their respective histories of urban settlement. Some of the works from the early periods of historical research, are characterized by an anecdotic approach, a weak theoretical or methodological grounding, and a lack of synthetic ambition or primary perspective – other than the ambition of recording events and people from former days and putting them into a finely detailed history of events and personage

⁴ K. Helle, *Folketap og urbane endringer omkring 1300–1500*, in *Norske byhistorie. Urbanisering gjennom 1300 år cit.*, p. 125.

⁵ *Norske byhistorie. Urbanisering gjennom 1300 år cit.*

in the town⁶. Others were published in the 18th and early 19th centuries under the fashion of *laudes urbium* – or *Städtelob* – for the glorification or celebration of the town, with an emphasis on topographic descriptions⁷. The authors could often be local magistrates, fictional authors, or local historians with some scholarly training, but often they lacked knowledge about source criticism or tendencies within historical sciences. For example, in Narvik, a historian and the magistrate were asked to write a history of the town for its 25th anniversary in 1926. Consequently, the town's history is focused on matters of administration and governance⁸.

Some towns, however, did engage professional historians to write their histories. Yet, even among these historians, there was often a tendency to present events, individuals, and facts alongside one another, rather than organising them into a cohesive synthesis or overarching narrative. For example, the town of Narvik commissioned the historian Nils Arne Ytreberg to write its history for the 50th anniversary in 1951–52. Ytreberg, one of only two professional historians in Northern Norway at the time, had received his education at the Department of History in Oslo during the 1920s⁹. His two volumes of history about the town comprise events and personage in a chronological order, with half a volume dedicated to the topography and history of the region around the town before the urbanisation process – through a collection of facts and figures. Regarding the aspect of urban order, his master narrative features a civilising process to combat early urban social unrest and chaos, in contrast to the status of urban order at the 50th anniversary in the 1950s¹⁰. Ytreberg's mandate was to use the memories from the navy workers during the establishment of the town to nostalgically collect facts and assemble them to show the progress and modernisation of Norway, presenting it as a more civilised form of society than the place from which the earlier chaotic, urban

⁶ Eliassen, *Småbyens storhetstid* cit., p. 237.

⁷ Eliassen, *Småbyenes storhetstid* cit., p. 237.

⁸ E. Blix – B. Hovdan, *Festskrift til Narviks 25.årsjubileum. 29de mai 1926*, Narvik 1926.

⁹ S. Aas, *Ei byhistorie om Narvik 1902-1950, Eit refleksjonstillegg*, Tromsø 2007, p. 29.

¹⁰ Aas, *Ei byhistorie om Narvik 1902-1950* cit., pp. 64–65.

areas had developed¹¹. Later, particularly from the 1970s on, new generations of historians occupied the scene of urban history. Most of them were inspired by social history in general, with a more pronounced ambition of using theories and methods from the social sciences as constituting element of the narrative¹².

The former absence of a robust theoretical and methodological framework in many urban monographs was one of the key factors prompting historians from the Norwegian University of Science and Technology (NTNU) to organise a conference on urban history in 1997. That year marked the 1000th anniversary of Trondheim, a date established by historians and archaeologists who concluded that the town had been founded in 997¹³. In preparation for this milestone, the municipality of Trondheim reprinted three previously published volumes of the town's history and commissioned three new volumes to cover the periods from 1500 to 1800, as well as from 1920 to 1997. As a result, the historiography of Trondheim is particularly rich, with multiple generations of monographs documenting the city's past, including the earlier works from the 1950s. These newer publications reflect more advanced historiographical approaches. Thus, Trondheim's urban history is now framed by a diverse and evolving body of scholarship that captures both the continuity and transformation of historical writing on the city's development over time.

The monograph has traditionally been the preferred genre for detailing urban history. This preference has significantly influenced the field, with many works aspiring to provide a "total history" of local society¹⁴. As a result, tracking the development of specific topics such as "urban order" over time can be challenging. Urban monographs often aim to encompass all aspects of society, making it difficult to isolate and analyse the evolution of themes within the broader narrative of urban development.

When historians from the NTNU took the initiative to revise and update the historical volumes of their hometown, they extended an invitation to other Norwegian historians to dis-

¹¹ Aas, *Ei byhistorie om Narvik 1902-1950* cit., p. 69.

¹² Aas, *Ei byhistorie om Narvik 1902-1950* cit., pp. 45-46.

¹³ S. Supphellen, *Urban history the Norwegian Tradition in a European Context*, Trondheim 1998, pp. 1-2.

¹⁴ Aas, *Ei byhistorie om Narvik 1902-1950* cit., pp. 49, 53-54.

cuss new perspectives on urban history, posing a provocative question: “Norwegian urban history – time for synthesis?”¹⁵ Traditionally, Norwegian historians had aimed to write a “total history”, providing comprehensive accounts of local society. However, the ambition now shifted towards achieving a synthesis to enable better comparative analyses between Norwegian towns. Comparative methods, which had previously played a minor role, were now brought to the forefront. Both Professor Knut Helle, a leading figure in Norwegian urban history, along with a scholar from the younger generation, Knut Kjeldstadli, agreed on the importance of this shift¹⁶.

By the close of the 20th century, urban history in Norway stood at a crossroads. Several towns and cities embarked on projects to produce new volumes of their histories, while others had recently completed such monumental undertakings. Oslo, for example, had published five substantial volumes of urban history, each weighing 1.5 kilograms, covering the city’s development from the medieval period to the 1990s¹⁷. These volumes were authored by historians employing modern approaches and incorporating new perspectives, methods, and theories. Interestingly, none of the contributors were specialists in urban history; rather, they were general historians with backgrounds in social, economic, or political history. Urban history, at this point, was not regarded as a distinct genre in Norwegian historiography. The volumes were thus the work of non-specialists, reflecting the broader trends in Norwegian historical scholarship at the time. Norwegian urban history seems to be marked by “concentrated efforts” in connection with anniversaries or town jubilees. Scholars now sought to move beyond localised accounts and embrace a more integrated, analytical approach to understanding the development of towns and cities across the country¹⁸.

¹⁵ Supphellen, *Norsk byhistorie tid for syntese?* Trondheim 2000, p. 9.

¹⁶ K. Helle, *Vi trenger alltid synteser. Kommentar til Axel Christophersen*, in S. Supphellen, *Norsk byhistorie tid for syntese?* Trondheim 2000, pp. 71–80; K. Kjeldstadli, *Syntese, komparasjon, typologi og periodisering*, in Supphellen, *Norsk byhistorie tid for syntese?* Trondheim 2000, p. 21.

¹⁷ E. Hagen, *Oslo bys historie, bind 1–5*, Oslo 1990.

¹⁸ A. Nedkvitne – P. G. Norseng, *Oslo bys historie, bind 1*, Oslo 1991; K. Sprauten, *Oslo bys historie, bind 2* Oslo 1992; J. E. Myhre, *Oslo bys historie, bind*

However, within this genre, upon comparing the urban histories of Oslo, Bergen, Haugesund and Narvik, Svein Ivar Angell of the University of Bergen found significant differences across their urban biographies. Most urban histories in Norway have an overall ambition to write a “total history” for the area in question, inspired as many were from the French *Annales* School and their ambition of going beyond narrow administrative or political history. Use of a wide range of perspectives and methods aimed at promoting this approach¹⁹. Once this is achieved, then topics such as administration and politics, political movements as well as the economic foundation of the town or city in question are covered. In addition, the cultural activities, local associations and social, and cultural life are also considered. However, in line with the emerging influence of the social sciences in the 1970s and -80s, there seemed to be a more profound interest in social history, and the life of common town dwellers, in line with the then historical materialist inspiration from Marxism²⁰. Consequently Angell concludes in his study of four urban histories that only one – Narvik – has a clear ambition to align with the scientific field of urban history, in that the topics and themes in the local study are interconnected to central literature, journals and articles within the field of urban history. The other urban histories made these efforts to a lesser extent²¹.

The so called “spatial turn” was thus not as visible in the traditional urban histories of Norway, during the period²². The idea that there was a certain production of meaning, as well as transactions between people in the urban space, was mainly embraced by social scientists, archaeologists and architects, rather than historians. At the end of the 1990s Norwegian town planners and

3, Oslo 1993; K. Kjeldstadli, *Oslo bys historie*, bind 4, Oslo 1994; E. Benum, *Oslo bys historie*, bind 5, Oslo 1994.

¹⁹ J. E. Myhre, *Nordic urban history and urban historians in the last decade*, in *Urban History Yearbook*, vol. 15, 1988, pp. 55–77.

²⁰ K. Kjeldstadli, ‘*Fortida er ikke det den var*’, Oslo 1993, 61–68; G. Iggers, *Historiography in the Twentieth Century, From Scientific Objectivity to the Postmodern Challenge*, Hanover and London, 1997, pp. 78–94.

²¹ S. I. Angell, *Forteljingar i norske byhistorieskriving*, in *Fortalt fortid. Norske historieskriving etter 1970*, edd. J. Heiret, T. Ryymin, S. A. Skålevåg, Oslo 2013, pp. 144–145.

²² The Spatial Turn in History · Spatial Humanities, (seen February 2, 2025).

architects dealing with urban planning were introduced to Henri Lefebvre, David Harvey and Doreen Massey and their theoretical approaches to urban “space”. However, the diachronic perspective remained rather superficial²³.

According to Angell, the exception in the spatial perspective among urban historians was the analysis of Narvik. He underlined that the town was a harbour town aimed at exporting Swedish iron ore, despite being in Norway, and consequently rendering the national borders unnatural as demarcation lines between the town and the neighbouring nation. By this the national narrative was challenged, both in respect of economy, social and political history as well as when it comes to the construction of an urban identity for the small town²⁴. This stood in stark contrast to the history of Kjeldstadli for the capital city of Oslo, which in a way was the national history in miniature, according to Angell. The development of Oslo followed the nation’s development, developing parallelly on the national as on the urban level²⁵.

In 2006, some seniors within the field of urban history, Knut Helle, Finn-Einar Eliassen (1500-1830), Jan Eivind Myhre (1830-1920), and Ola Svein Stugu (1920-2000), came together to synthesize 1300 years of Norwegian urbanisation processes. The volume comprises 500 pages, and the initiative came from the *Norwegian Committee for Urban History* – an ad hoc committee mainly based in Trondheim²⁶. The aim of the project was to study central characteristics of the Norwegian town and its chronological development. Topics included: the relationship between town and hinterland, as well as those between towns, along with the study of life in the towns²⁷. The introduction to the volume is especially focused on Norway’s geography and urban typology, based on classic works by Carter; Sassen; Castells; Hohenberg and Lees; and, naturally, Christaller²⁸. The noun “space”

²³ J. Aspen – J. Pløger, *På sporet av byen. Lesninger av senmoderne bylin*, Oslo 1997.

²⁴ Angell, *Forteljingar i norsk byhistorieskriving* cit., pp. 128-129.

²⁵ Angell, *Forteljingar i norsk byhistorieskriving* cit., p.132.

²⁶ S. Supphellen, *Norsk byhistorie tid for syntese* cit., p. 7.

²⁷ I. Bull, *Forord*, in *Norsk byhistorie. Urbanisering gjennom 1300 år*, edd. K. Helle, F-E. Eliassen, J.E. Myhre, O.S. Stugu, Oslo 2006, p. 7.

²⁸ K. Helle, *Byen som historiske fenomen*, in *Norsk byhistorie. Urbanisering gjennom 1300 år* cit., pp. 9-24.

or “room” is frequently used in the volume to describe housing, rather than public space as such. The concept of “urban space” on the other hand is hardly used. The point is that the inspiration from the “spatial turn” in the late 1980s seems to have been non-existent among Norwegian historians dealing with studies of the urban space. The ambition of rather writing a total history seems to have dominated as an intake of urban studies, consequently losing track of new perspectives of how social processes are played out in the urban space. Even though the spatial turn was less visible, there was a growing interest in the concept of “general public”, however the perspective of the general public was then put into the national concept, in which the urban space always seems to fit into. The urban space consequently was to be put into a national discourse and narrative²⁹. This was one of the points of criticism from Angell’s comparison of the four mentioned urban histories from Norway in the late 20th century/early 21st century. They aimed at connecting their urban space as part of the national space, except for the one about Narvik, which had a transnational approach³⁰.

New approaches to “urban order”

How did the approach of Norwegian urban historians influence their treatment of topics such as “urban order” then? In the following we will try to demonstrate how the historians have dealt with the concept of space in relation to the second tier mentioned in the introduction to this chapter. Space has seldom or hardly been studied as a field of social spatial transactions between people. There are some exceptions, but the overall view is that social space as such have not been of the main concern for most Norwegian urban historians. Consequently, this lack of focus on spatial dynamics significantly shaped the methodological and theoretical approaches adopted in the field. Ola Svein Stugu, a historian from Trondheim, addressed the issue in great depth during the 1997 seminar on urban history, while his colleague Ingar Kaldal explored it further in his book, published during

²⁹ *Norsk byhistorie. Urbanisering gjennom 1300 år*, cit.

³⁰ Angell, *Forteljinger i norske byhistorieskriving*, pp. 128-129; 132.

the town's millennium jubilee³¹. Kaldal's work – not part of the anniversary volumes – is centred on the concept of urban space, specifically focusing on the period between the mid-19th and the mid-20th centuries. This focus was determined by the availability of modern sources, such as newspapers, police records, reports from local doctors and health authorities, and oral testimonies. Kaldal's study highlighted the limitations of earlier periods, where the absence of such detailed source material would have made similar research difficult – or almost impossible. His work was influenced by scholars like Martin Scharfe, who examined the urban street, and Robert Rotenberg, who emphasised urban space, alongside thinkers like Marshall Berman and Richard Sennett, whose ideas on modernity and public life informed Kaldal's approach³². The shift towards a spatial perspective in urban history, where the focus was on the creation of cultural space in the city of Trondheim, marked a significant development in the field. It introduced a more nuanced understanding of how physical space and urban order intersected, particularly in modern times, where the availability of diverse source material allowed for a richer exploration of urban life and its regulation. It also moved the focus in the direction of the life lived in the urban space, whereas the earlier administrative and normative sources illustrated how urban life was desired to be lived³³.

Some of Kaldal's findings also reflected on the creation of urban order and the relation to "public space" and "order", not as seen from above, by the perspective of the local authorities in their quest for the establishment of urban order. But rather as a social construct taking place by the transactions between people in an urban space³⁴.

While Kaldal's approach to Norwegian urban history was like a breath of fresh air, it has not, however, had any influence on the field. Some exceptions are the chapters on Narvik's and Bodø's history, where urban order has been addressed with a

³¹ O. S. Stugu, *Space and place in modern history*, in S. Supphellen, *Urban history the Norwegian Tradition in a European Context*, Trondheim 1998, pp. 71–85; I. Kaldal, *Veit og gate. Daglegliv i Midtbyen i Trondheim 1880–1950*, Oslo 1997.

³² Kaldal, *Veit og gate. Daglegliv i Midtbyen i Trondheim 1880–1950* cit., pp. 13–30.

³³ Kaldal, *Veit og gate* cit., pp. 13–14.

³⁴ Kaldal, *Veit og gate* cit., p. 15.

specific focus on urban space and the cultural exchanges occurring there³⁵. However, the problem of lack of sources makes this approach difficult to adopt when dealing with periods older than 1850.

Consequently, urban biographies have focused on all aspects of urban order, but often without framing these topics within a theoretical concept of “urban order,” where urban policy and social space interact. This means that historians in the field have covered a wide range of aspects, including public administration and law, town regulation and development, poverty relief, welfare arrangements, the planning of sewage and water supply, healthcare, child protection, policing, and urban civilisation and discipline, yet have not explicitly connected these elements to any overarching framework of urban order, which we have sorted into a three-tiered framework, as for instance exemplified in Blom’s history of Medieval Trondheim³⁶.

Given Norway’s relatively small urban population and the scarcity of written sources, the focus on urban perspectives as such has been less pronounced, particularly in studies of medieval history. Historical sources have been used in a broader perspective, perhaps mainly to construct a national narrative, and accordingly, integrating urban material into national history. As such, archaeology and general knowledge of national history have taken precedence, resulting in a more limited focus on specifically urban elements. For example, when Grete Authén Blom examines the medieval urban history of Trondheim (Nidaros), she draws on widely available sources of urban order from the medieval period. These include the Town Law of 1276, the church’s role in poor relief, royal directives concerning law and order, and the organisation and administration of the court system. The reliance on these more general sources highlights the modest treatment of urban-specific aspects in studies of medieval Norway, where the broader context often dominates due to the limited availability of urban records³⁷. However, the volume has been criticized for not incorporating the wide array

³⁵ S. Aas, *Narviks historie, bind 1, Byen, banen og bolaget*, Narvik 2001; S. Aas, *Forvandlinga, Bodø historie, bind 3, 1890-1950*, Bergen 2014.

³⁶ G. A. Blom, *Hellig Olavs by*, Oslo 1997, pp. 75-92; 168-176.

³⁷ Blom, *Hellig Olavs by* cit., pp. 86-87.

of archaeological sources available at the time into the topics discussed.

Discourses on the peculiarities of “urban order”

What discourses have been the most prominent regarding peculiarities of urban order in Norwegian urban history?

Discourses on order in medieval towns primarily concern legislation and governance, as these are the most accessible sources. Towns were initially managed by a general assembly, the *mót*, but by the late 13th century, councils were introduced following European models³⁸. Regulations addressed many pressing urban issues, particularly fire prevention (since towns consisted of wooden buildings) and urban planning. Less frequently addressed were matters of health, crime, and poverty relief³⁹. There was also growing recognition of the tensions between rural and urban areas, with an increasing focus on the “otherness” of the town. Towns were thus seen as representations of otherness in terms of social organisation and were key hubs of control and influence, especially in Nidaros, Oslo, and Bergen. By law, these urban centres were also the focal points of foreign relations, as all trade was directed within their boundaries.

During the subsequent early modern period – between 1500 and the mid-1800s – the pre-industrial Norwegian town was in the making⁴⁰. Finn-Einar Eliassen has studied the urban decline during this time span – especially in the 17th century, when growth was restricted to one town, Bergen, while the other towns were characterised by their small size. Two-thirds of them had fewer than 2,000 inhabitants, and consequently Eliassen calls the period “the Golden Age of the small towns”⁴¹. At the end of the 18th century, the situation changed: New urban areas

³⁸ K. Helle, *Kongssete og kjøpstad. Bergen bys historie bind 1*, Bergen 1982, p. 532.

³⁹ M. Tveit, *Health and hygiene regulations in 12th/14th century Norwegian towns*, in *Pequenas Cidades no Tempo. A saúde*, Lisboa 2023, pp. 61-74; M. Tveit - H Vogt, *The Invisible Poor in Norwegian and Danish Town Laws c. 1200-c. 1350*, in «Comparative Legal History», (2023) 1, pp. 4-22.

⁴⁰ *Ibidem*, pp. 143-245.

⁴¹ *Ibidem*, p. 145.

emerged, and by 1807, more than 100,000 Norwegians were living in urban areas⁴².

Eliassen covers a range of topics and themes in dealing with urban order. For instance, he writes that medieval town legislation became more advanced, complemented by a stronger Danish rule, and connected to Norway's role as subordinate to Denmark. The towns thus witnessed regulations of law and order and religious matters, as well as regulations in connection with the serving of spirits. Health regulations and custom and practice, however, could vary from town to town, making it hard to draw general conclusions about urban order in the early modern period (the years between 15- and 1800)⁴³. It is also difficult to make general conclusions about law and order in this period of Norwegian urbanisation, as well as the role of the urban administration regarding the management and regulation of measures to constitute and to secure law and order. Yet, there seemed to be a stronger degree of urban autonomy in some towns, as well as a stronger culture for legal institutions, making the towns stronger centres in their regions concerning governmental administration. Social transactions in urban space seems to have been more difficult to approach for historians studying this period. It was much easier to describe in terms of regulations, administrations, and planning, due to the accessible written sources of the period⁴⁴. Normative sources about urban order seem to have held the dominant position within historiography, so still the dominant approach to urban order was descriptions and reflections about normative sources rather than studies of social transactions between the actors in the urban space.

Urban demography too, was on Eliassen's and other historians' agenda. Although the urban population was marked by a higher number of women than men, with most of the surplus composed of younger, single maidservants, there seem to be few traces of what later was to be a concern of menaces to urban order, as we shall see from the examples of patriarchal conceptions of order relating to women⁴⁵. This was to be a larger issue in the industrialised period, which is notable since Norway

⁴² *Ibidem*, p. 216.

⁴³ *Ibidem*, pp. 170-171.

⁴⁴ *Ibidem*, pp. 170-171.

⁴⁵ *Ibidem*, p. 216.

predominantly comprised harbour towns or port cities with a lot of visiting foreign sailors and seafarers. There is also the explicit portrayal of the sailor as a threat to local society—linked to the spread of prostitution, venereal diseases, and the birth of unwanted children, often raised by single mothers and consequently living in poverty and hardship. At the end the local municipality had to deal with the distress by organising orphanages, spinning-houses and council houses⁴⁶.

In an ideal well-ordered medieval Norwegian town, women were envisioned as having economic roles in trade and craft, both independently and within family businesses, with legal rights to manage their own purchases, though property transactions required male consent. Consequently, these areas are where historians of urban biographies can engage. Regulations on worker lodging aimed to manage poverty and prevent begging, reflecting authorities' concerns about destitution. Women's "decency" was subject to partial regulation during this period. A royal amendment in 1306 addressed the issue of how women's attire should reflect their social status, a widespread phenomenon throughout medieval history and beyond⁴⁷. The concern was to distinguish "honourable women" from concubines and sex workers. The latter two groups were conflated and prohibited from wearing jewellery, or certain head coverings, which were reserved for women of intact social standing. Known prostitutes were also barred from testifying in significant legal cases requiring a jury of six or twelve men.

Both groups, the young single women and the foreign sailors, would later be found as a menace to many of these towns⁴⁸. One of the busiest harbour towns of Norway, Narvik, could have as many as 10,000–20,000 sailors visiting yearly from the start of the iron ore export in 1903. This influx affected the number of illegitimate children, which was much higher in the town than in the rural hinterland, and the medical practitioner – the town doctor – reported around 8–10 new cases of venereal diseases in his annual report to the national. The rapid growth of the small

⁴⁶ G. Hagen, *Barnevernets historie, om makt og avmakt i det 20. århundret*, Skien 2001, pp. 17–22; M. Tveit, <https://snl.no/spinnehus> (seen February 2, 2025).

⁴⁷ *Norges gamle Love*, vol. IV, ed. G. Storm, Christiania 1885, pp. 361–62.

⁴⁸ Aas, *Narviks historie, bind 1* cit., pp. 219–240.

town from a handful of citizens to 5,000–6,000 people triggered a huge debate about morality and decency in the first decade of the 20th century⁴⁹. This debate was certainly dealing with ‘spatial relations’, involving hierarchies created through social interactions in the urban space, as well as formation of spatial configurations, practices and perceptions. These were all topics addressed in a recent volume of Urban History⁵⁰. By reflecting on ‘spatiality’, the volume focused on the understanding of a reality “constructed by the spatial actions of actors in a historical-anthropological consideration of dynamic space – arrangement, movement and interaction”. The essence was that space was not given, and that it “only exists when it can be experienced by subjects or when subjects act spatially in everyday circumstances”⁵¹.

Amazingly, the harbour histories of Norwegian towns hardly mention “prostitution” (*prostituasjon*), or “women” (*kvinner*) or “girls” (*jenter*) in a context of disruption of urban order, let alone the more current term “sex worker” (*sexarbeider*). The histories of harbour towns such as Trondheim, Bergen, Oslo, Larvik, Sandnes, Molde, Stavanger and Haugesund contain no mention of the sex trade⁵². The publication on Oslo’s harbour history from the medieval period until 1954 was first and foremost aimed to be a reference book for those interested in harbours⁵³. Most of the Norwegian towns have been harbour towns or port cities, consequently the harbours were a meeting place between the visitor and the town. They also were the focal point of urban activities involving trade and export, including economic and social activities, not to mention cultural exchange. The writing of the town’s harbour history – and indirectly its urban histo-

⁴⁹ Aas, *Narviks historie, bind 1* cit., p. 220.

⁵⁰ R. Rodger and Susanne Rau, *Thinking Spatially: New horizons for urban history*, in «Urban History» (2020), 47, p. 373.

⁵¹ *Ibid.*, p. 373.

⁵² B. Sæther, *Trondheim, havn i tusen år, historisk, aktiv og mangesidig, bind 1*, Trondheim 2000; B. Sæther, *Trondheim, havn i tusen år, bind 2*, Trondheim 2001; A. B. Fossen, *Bergen havn gjennom 900 år, Bind I, Fra båtsto til storhavn 1070–1900*, Bergen 1985; A. Haaland, *Bergen havn gjennom 900 år, II – 1900–1945 Knutepunkthavnen, Fra bøyer og skuter til kaier og kraner*, Bergen (2005); Y. Kjelstrup, *Oslo havns historie for tidsrommet inntil 1954*, Oslo 2017; O. Grøtte, *Molde havn 1605–2005*, [Molde] 2005; E.H. Grude, *Fra brygger til storhavn*, Stavanger 1985; K. M. Vikse, *Haugesund havn*, Haugesund 2006.

⁵³ Kjelstrup, *Oslo havns historie for tidsrommet inntil 1954* cit., p. 7.

ry – was dominated by an administrative and technological approach, with emphasis placed mainly on economy, trade, and the efficiency of the harbour system with its numerous installations, rather than on the men and women using the harbour space for different activities.

When addressing the topic of sex trade in the history of Kristiansand harbour, Jon Skeie uses the term “*jentetrafikk*” (“girl traffic”) – which implies not a clean-cut sex trade, but rather young girls following sailors down to the docks. However, Skeie acknowledges the threat to social order posed by interactions between young local girls and visiting sailors. He recounts an incident in which a police patrol stopped two young girls near the harbor, questioned their presence there, and how they responded. If they had been part of a particular group of society, the reaction would have differed, however since they were not, the police did not interfere. In this case the harbour space and its attraction to different people at different times of the day were addressed. Skeie described how young boys used to go down to the harbour just out of curiosity, looking for an adventure in daytime, watching boats load and unload, while young girls could be seen along the docks at night. For Skeie, the narrative of the “girl traffic” mostly concerned adventurous girls doing innocent activities, perhaps getting a boyfriend or a pen pal, illustrating that the harbour could be the urban space for young people’s sexual awakening⁵⁴.

Skeie nevertheless underlines that the “girl traffic” was rather extensive in Kristiansand during the 1950s and 1960s – especially when foreign school ships or naval vessels arrived in Kristiansand. One could also sense this contact between young local girls and sailors doing their military service from a single illustration published in the history of Oslo harbour, but it is not discussed as a separate topic⁵⁵. In Kristiansand, Polish trawlers too were a favourite among the local girls, and when Skeie describes who the visiting girls were, he describes them as young and curious girls ages 14–16, and sometimes even younger. He underlines that it was not a matter of prostitution, concluding

⁵⁴ J. Skeie, *Storbetstid og havnesamfunn, in Kristiansand står og faller med sin bavn*, ed. O. G. Moseng, J. Skeie Kristiansand 2009, p. 354.

⁵⁵ M. Løvhaug, *Oslo havns historie for tidsrommet 1955–2016*, Oslo 2017, p. 146.

that the girl traffic was not considered a menace to urban order. The police conducted inspections at the docks just to ensure that it was not a matter of social problems for the girls involved – if the opposite was the case, they interfered⁵⁶.

The harbour of Kristiansand also had its “Violet Guard” – the real sex workers in the 1950s and 1960s. They were about six to eight women who slept onboard the visiting ships. In addition, the harbour held residential spaces for some men frequently living in empty railway coaches or sheds at the harbour, begging for money at daytime from passengers on visiting ships⁵⁷.

Was the reason for the lack of reactions to the activity in the harbour space perhaps the same as that in medieval Bergen? Knut Helle asks whether it was the doctrine of Augustine on prostitution that ruled thus: “If we abolish prostitution, we get sexual chaos”⁵⁸. Nevertheless, he addresses the topic, but not always as a menace to urban order, even though foreign merchants could be robbed after visiting the brothels in Bergen. The larger problem seemed to be that manslaughter and robbery took place in the vicinity of these establishments, because the sex workers could still do their work there, as could the public houses⁵⁹. The increasing prostitution during the later Middle Ages came with an increase in the Hansa trade and the presence of Germans. Helle underlines that the resistance among the visiting tradesmen to conform to Norwegian law and jurisdiction was considered the most serious threat to society, by insisting on internal normative system within or alongside the Norwegian urban law. The environment around the German dock in Bergen was rather violent and marked by abuse and molestations, thus considered a greater threat to urban order by the authorities⁶⁰.

This was the situation as late as in the 16th century, but in the subsequent period draconic penalties led to a decrease in criminality, as well as prostitution, in Bergen⁶¹. Bergen has a rather good standing per its written records and sources. This could have affected how topics like prostitution were dealt with;

⁵⁶ Skeie, *Storbetstid og havnesamfunn* cit., p. 354.

⁵⁷ *Ibid.*, p. 354.

⁵⁸ K. Helle, *Kongssete og kjøpstad. Fra opphavet til 1536*, Bergen 1995, p. 463.

⁵⁹ Helle, *Kongssete og kjøpstad* cit., p. 764.

⁶⁰ *Ibidem*, p. 766.

⁶¹ Fossen, *Borgerskapets by*, Bergen (1995), cit., pp. 122; 335–339.

nevertheless, the next volumes of the history of Bergen do not address the topic of social transactions in the harbour area mentioned above for medieval Bergen, in the period between 1800 and 1972⁶².

Narvik, at the beginning of the 20th century, stood in contrast to the lack of perspective on the “girl traffic” as a menace to urban order. However, it is striking that “girl traffic” as a menace to society is not part of the harbour histories or the urban history of a nation like Norway, where almost every town was a harbour town, with an extensive ship traffic forming the focal point of a town from the medieval period up until at least the 1970s. In Narvik, the attitude was completely contrary to Skeie’s view in Kristiansand 50 years later. The menace was the visiting sailor, and the regulations had to be directed towards them and the local underage girls. The main aim when creating urban order was to prevent the weak and unstable teenage girls from contacting the visiting seamen. They had to use all means possible to place the young girls and the visiting sailors under surveillance. The local medical practitioner, Dr. Astrup, went on a field trip to Hamburg to study “harbor hygiene” – more precisely, how to deal with sailors and sex trade⁶³. His aim was to use all means necessary to control the communication between local girls and visiting sailors – this included the use of the police force, fire constables, school council and child protection authorities, local priests, as well as the municipal board of health⁶⁴.

Nevertheless, the sources are silent on the topic of control of the sex trade in other towns. Thus, one could conclude that either there was no such threat to urban order or, more likely, urban historians – except a few – did not address the issue at all.

Urbanity as a menace to “urban order”

Moving to the third tier of our investigation, which historiographically examines the foundational aspects of urban order, it is crucial to first consider that a distinctive feature of the

⁶² Ertresvaag, *Et bysamfunn i utvikling, Bergen bys historie, bind 3*, Bergen 1995; Fossen, *Byen sprenger grensene 1920–1972*, Bergen 1995.

⁶³ Aas, *Narviks historie, bind 1* cit., pp. 219–233.

⁶⁴ *Ibidem*, pp. 219–233.

discourse in Norway is the strong anti-urban sentiment that emerged during the 19th and 20th centuries. Public debates were characterised by a pervasive concern about the negative effects of urbanisation, with urban life itself increasingly viewed as a threat to society and urban order⁶⁵. One significant aspect of the Norwegian debate, alongside concerns about urban order, was the prominent role of anti-urbanism. At the start of the 19th century, around 90% of the population lived in rural areas; however, by 1920, 43.3% of Norwegians resided in urban areas. Norway experienced one of the fastest rates of urbanisation in Europe, with its capital, Oslo (then Christiania), among the continent's fastest-growing cities⁶⁶. The rapid urban growth was primarily driven by migration, as the population of Oslo and its suburbs increased from 100,000 to around 338,000 within the span of 50 years⁶⁷.

Despite their relatively small populations, Norwegian towns – some of which had only a few thousand inhabitants – were widely associated with negative attributes such as unpleasant smells, smoke, slums, dust, and overcrowding. While Norway's urban conditions were far from resembling the notorious slums of Dickensian London, the prevailing attitudes towards inner-city life in small Norwegian towns echoed the broader European anti-urban critique. This perspective was particularly prevalent among the urban bourgeoisie, who increasingly regarded city life as a menace to what they perceived as an ideal world. This ideal was closely connected to the nation-building process and the centrality of the freeholder farmer, seen as the custodian of national identity. Rural life and landscapes were idealised as embodying the essence of Norwegian culture. Paradoxically, members of the urban middle and upper classes sought to replicate this rural idyll by moving to the outskirts of towns and cities, where they believed they could enjoy the best aspects of urban life while being close to nature⁶⁸.

Urban settlements, therefore, came to be viewed as threats to this idyllic vision. Towns and cities were also considered

⁶⁵ J. E. Myhre, *Den eksplosive byutviklingen 1830-1920*, in *Norsk byhistorie. Urbanisering gjennom 1300 år*, cit., p. 252.

⁶⁶ *Ibidem*, pp. 249; 254.

⁶⁷ *Ibidem*, p. 338.

⁶⁸ *Ibidem*, p. 252.

“un-Norwegian”, tainted by foreign influences – particularly those from Denmark – which had left a lasting colonial imprint on language and culture. In contrast, the core of the nation – expressed through folklore, national costumes, and the purest forms of the Norwegian language, music, and traditions – was seen as residing in rural areas, untouched by foreign influence. According to Myhre, urban areas were further associated with moral decline, as public drunkenness, unrestricted alcohol consumption, and rationalistic Christianity flourished in cities⁶⁹. The expansion of new industries and the corresponding growth of the urban working class were perceived as destabilising forces. This burgeoning working class, often clustered in overcrowded slums marked by unhealthy living conditions, prostitution, and crime, posed additional threats to urban order⁷⁰.

As a result of these negative perceptions of urban life, towns often experienced stagnation, as wealthier residents sought to escape to the outskirts. These individuals were drawn to the newly developing suburban areas, which promised a quieter lifestyle, spacious gardens, and ample sunlight. Urban planners, influenced by figures like Ebenezer Howard, found fertile ground in Norway, particularly through movements such as the “Egne Hjem” (Own Home) movement, which promoted the construction of owner-occupied homes. The suburbs, inspired by Howard’s Garden City model, were populated with small, wooden-frame houses, creating garden-town-inspired developments on the fringes of cities⁷¹. This trend led to the gradual blurring of the boundaries between urban and rural landscapes, rendering Norwegian towns increasingly undefined. The urbanisation process was relatively restrained and tightly controlled in terms of demand, while the supply of land for development seemed almost limitless, contributing to this ambiguous urban–rural dynamic. By this urban life could be rural and the leisure activities of the town dwellers could be rural, too. In the weekends hundreds of citizens were seen wandering to the hinterland of

⁶⁹ *Ibidem*, p. 252.

⁷⁰ *Ibidem*, p. 252.

⁷¹ S. Aas, *Urban ‘minor Utopias’ in the planning of Norwegian towns*, in H. Droste, *Urban Life in Nordic Countries*, New York 2023.

the towns to enjoy the rural outdoor life on foot or by ski, like Kaldal illustrates in the town of Trondheim⁷².

Modernity: Light and darkness

When the historians Knut Kjeldstadli and Jan Eivind Myhre were to threat urban order in the two volumes of the capital city, Oslo, the fulcrum was modernisation. Then modernity and electricity went hand in hand with urban order, creating an enlightened urban space in Oslo. However, neither were inspired by the spatial turn of urban history, demonstrated by Kaldal. In a quite instrumental way, the connection between modernisation and electricity not only powered the consumption of new production technology, featuring products such as electrical stoves, coolers, freezers, and cables, it also illuminated the urban space with electrical light, and the word light or “lux” also were associated with the word “luxury”, which coincided with concepts like civilisation and self-assertion. The electric illumination was a way of showing off what the city could make of modernity and pride⁷³.

The light consequently drove the dark, evil forces and anxiety away from the public space⁷⁴. Light was useful in that it increased the duration of action and traffic during the day, but more importantly, the public light exercised control in the public space. The “Good Lamp is the Best Police”, as Mark J. Bouman wrote in an article published in *American Studies* in 1991, supporting the perspective of Kjeldstadli and Myhre in Oslo⁷⁵.

Light and darkness have long functioned as both dichotomies and metaphors for concepts such as law and criminality, culture and civilisation, or morality and vice, well before the advent of electric lighting. In medieval towns, too, daily life was regulated by the interplay between light and darkness, which determined when activities, such as the signing of contracts, could occur and

⁷² Kaldal, *Veit og gate* cit., pp. 93–98.

⁷³ K. Kjeldstadli, *Oslo – spenningenes by*, Oslo 1995, pp. 51–52.

⁷⁴ *Ibidem*, p. 51.

⁷⁵ M. J. Bouman, *The “Good Lamp is the Best Police”. Metaphor and Ideologies of the Nineteenth-Century Urban Landscape*, in «American Studies», Vol 32, No. 2, 1991, pp. 63–78.

intensified the seriousness of offences committed after dark⁷⁶. The ringing of church bells marked these moments, while night watchmen patrolled the streets to uphold order. The work of upholding urban order was indeed easier in an enlightened street than in the dark backyards. In Norwegian policing history there has been a tendency of being “police fetishists”, which means there has been a tendency to presuppose the police is a functional and organic prerequisite for all social order⁷⁷.

Later, in the 1970s, there was a change in perspective towards a class-perspective, where the police were seen as a tool for the control of the dangerous lower classes in society, preferably in Nordic towns⁷⁸. However, there has been a more nuance tendency recently, and a broad range of perspectives have been more visible⁷⁹. In line with this there has been an ambition to demonstrate how town dwellers could contribute in the creation of urban order via their own actions in the urban space, or by organising society through the local urban institutions like the health council, child protection council or school council. This underlines the idea that transactions between people in the urban space probably is an important aspect of the constitution of urban order⁸⁰.

By the mid-19th century, towns began to reflect modernity through developments in transportation and communication. Innovations like tramcars allowed people to live farther from their workplaces, making housing more accessible and affordable. This increased system of mobility contributed to social stability. People could stay in the hinterland or suburbia around the towns, which again reduced the potential pressure that lack of housing and high house prices could initiate. This again reduced

⁷⁶ M. Tveit, *Governing Urban Space through Sound: Aural and Audible Procedures in Norwegian Town Laws*, in «Collegium Medievale», vol. 37, (2024).

⁷⁷ B. Ellefsen – P. Larsson, *Skandinaviske politihistorie*, in (red.) *Innføring i politivitenskap*, edd. P. Larsson, H. O. I. Gundhus, R. Granér, Oslo, 2014, pp. 32–34.

⁷⁸ *Ibidem*, p. 33.

⁷⁹ *Skandinaviske politihistorie* cit., p. 33–34.

⁸⁰ S. Aas, *Urban order in the Early Years of Narvik (1902-1910)*, in I. B. Latin, M. Stercken and T. Andric, *Protagonists of Urban order from the Middle Ages to the Present*, Amsterdam 2025.

the potential for uprising or political tension⁸¹. In this case social tension was seen as a menace to urban order, and that initiatives that were put in place by local authorities could be instrumental to uphold urban order, and the reason for this was probably the rich asset of land in the outskirts of the urban areas. According to Kjeldstadli, modern towns were structured like intricate machines or physical organisms, with each part functioning in harmony, meticulously planned by urban designers and approved by municipal authorities. Some systems, such as waste disposal and sewage, were dynamic and fluid, while others, like the road infrastructure, were more stable. Certain elements, including the roads connecting towns to wider regions or the historic street grid of the inner city, were entirely fixed⁸². These often-unnoticed aspects of urban life all contributed to creating and maintaining order within the town. In this perspective the installations and technical systems provided the society with means of hygiene, prevented pandemics and illnesses, thus created stability and a content population. They were less eager to complain, consequently creating a harmonic environment also in political terms.

As traffic by bicycles, cars, and horses rapidly increased, police regulations were introduced to manage public activities in towns. Detailed rules for cyclists, particularly regarding street navigation and turning corners, were designed to encourage respect for horse-drawn vehicles, which dominated the streets of early 20th-century Norwegian towns. Bicycles were required to be fitted with bells and lights to ensure the safety of others, while horse traffic was prioritised as the main mode of transport until cars became more prevalent in the 1910s⁸³.

Roads and traffic were not new concepts. In medieval times, towns employed various forms of structured planning, often characterised by grid layouts or other physical patterns designed to organise transport, traffic, and trade. The introduction of the Town Law in 1276 was a significant milestone, marking the first instance of royal administration assuming direct control over urban spaces and their activities. This legislation regulated aspects such as street widths and the heights of buildings and warehous-

⁸¹ Kjeldstadli, *Oslo – spenningenes by* cit., p. 52.

⁸² *Ibidem*, p. 52.

⁸³ Aas, *Narviks historie, bind 1* cit., pp. 211-212.

es⁸⁴. Harbours frequently served as the central hubs of Norwegian medieval towns, with specific regulations governing the arrival and organisation of ships and merchants. Incoming vessels were required to unload their cargo before securing a place at anchorage, and docking ships were instructed to position themselves bow-first⁸⁵. Additionally, markets for large goods were directed to the harbour's beachfront area to ensure trade activities did not obstruct the docking process⁸⁶. As in towns elsewhere, the Norwegian government allocated specific spaces for different types of trade within the urban landscape.

Urban municipalities in Norway were more advanced in governance compared to rural areas, largely due to the higher population density in towns and villages⁸⁷. Police regulations, for instance, were established in urban areas, when an urban area was given legal status as formal town. These regulations were exclusively meant for legal towns, not for rural districts. This explicitly underlines that the nation state regarded urban areas as more exposed to disorder. Narvik, which became a legal town in 1902, introduced its regulations that same year. The rules aimed at maintaining both "order" as well as "decency on the streets", the municipal records from the debates about the rules states, underlining the perspective of rules as a prerequisite for "decency" as well⁸⁸. The template for these rules was drawn from nearby Bodø, though many provisions were also inspired by cities such as Trondheim⁸⁹. Under the new regulations, gun owners were required to obtain special permission from the police to carry firearms. One local resident observed that the newly established society had a strong need for these regulations, as it was not yet equipped with a "bridle"⁹⁰. The introduction of police regulations, along with the public debates surrounding them, played a crucial role in normalising peace and order in urban

⁸⁴ The Town Law of 1276, Town ordering section, ch. 6.

⁸⁵ *Ibidem*, ch. 21.

⁸⁶ *Ibidem*, ch. 10.

⁸⁷ Myhre, *Den eksplosive byutviklingen 1830-1920* cit., p. 251.

⁸⁸ Narvik Municipality, Narvik bystyres forhandlingsprotokoll fra 1902. Sak 57, 15.5.1902. 1st kapittel.

⁸⁹ Kaldal, *Veit og gate. Daglegliv i Midtbyen i Trondheim 1880-1950* cit., p. 15. The regulations in Trondheim are partly identical to Narvik.

⁹⁰ Ofotens Tidende, 2 June 1902.

life. Before the introduction of the regulations and the discourses about the ideals of them there had been significant issues of unrest and violence in the young town during the first years of construction work with lots of navy workers and a completely new, immigrant population of new town dwellers⁹¹. Discussions in newspapers and local city councils helped consolidate the idea of a civilised society and fostered a shared understanding of urban order among town residents⁹². However, these discourses of order were largely confined to urban or densely populated areas and were not intended for rural districts.

Concluding remarks

We can conclude that urban history in the Norwegian context has been marked by some peculiarities when it comes to the topic of urban order. Most historians dealing with the topic have aimed at presenting the institutional and organisational issues, addressing laws, regulations and administrative sides of urban order in the Norwegian town space. Consequently, organisational issues have been addressed, and institutions on the town level dealing with issues like law and order, child protection, welfare or hygiene or health.

On the other hand, only a few scholars have examined how human transactions were taking place within the urban space in line with the newfound theoretical framework of the new spatial turn in the 1970s. Cultural space and public space then was addressed as a significant fulcrum for urban historians, however the spatial turn never has been strong in the field of urban history in Norway. Among the articles on urban space in Norway in the international journal *Urban History* the last article written by a Norwegian urban historian was published in 1988, written by Jan Eivind Myhre, who then considered himself an urban historian. Then involved in the urban history project of Oslo. This illustrates the challenges of urban history in Norway.

One important reason for this is that Norwegian urban history never has been dominated by historians specialising solely

⁹¹ Aas, *Urban order in the Early Years of Narvik (1902-1910)*, cit.

⁹² Aas, *Narviks historie, bind 1* cit., pp. 208-215.

in urban studies. Instead, it has been explored by generalist historians seeking to cover a broad spectrum of their subject. This approach has likely weakened the connection between Norwegian historians and international urban history networks, as well as diminishing the theoretical and methodological coherence of urban studies within Norway.

There has been a loose organisational structure among the historians working on urban history in Norway, too, leading to a lack of continuity during periods of stronger emphasis on urban research. For instance, when universities were involved in writing urban biographies for the cities such as Oslo, Trondheim, and Tromsø during the 1990s, theoretical discussions and debates flourished. However, interest in urban history waned after the publication of these biographies, and the theoretical momentum was lost. The historians involved in these projects did not consider urban history their primary focus, and many have since retired, passed away, or returned to their main areas of research, which often lie outside urban history.

This situation has directly affected how research on urban order has been conducted. Significant gaps remain, particularly in the study of Norwegian urban order before the 19th century. Other areas, such as harbour history, reveal a complete lack of research. Urban space as a social space has been largely neglected, with harbours studied narrowly as systems of transport and trade rather than as areas of social interaction. This oversight may be attributed to the claim that urban history in Norway has been dominated by historians who are generalists rather than specialists in the field.

GILLES GENOT

Linguistic diversity, but no threat to urban order: the city of Luxembourg (1862-1984)

Abstract: This study explores how the city of Luxembourg managed linguistic diversity between 1862 and 1984 without compromising urban order. Situated at the crossroads of French and German influence, and later shaped by large-scale immigration, the city developed a multilingual environment encompassing Luxembourgish, French and German. Drawing on discourse analysis of City Council reports, this paper examines how local governance addressed language-related challenges in education, public communication, and social integration. Rather than destabilising the urban fabric, multilingualism was managed as a normal aspect of civic life - negotiated through compromise, institutional flexibility and evolving policies.

Keywords: Luxembourg City; Linguistic diversity; Urban governance; Multilingualism; Immigrant integration.

In the political language of the ancient Greeks, the term ‘barbarian’ played an important role in defining identity, carrying a distinctly exclusionary meaning¹. Homer distinguished barbarians from Greeks by the fact that they did not speak Greek, calling non-Greek speakers “barbarophōnoi” – defined as those who spoke in an unintelligible manner². In other words, there was the familiar and the foreign, the “us” and “them”. The idea of linguistic otherness as a symbol of exclusion, appears not only

¹ This research was carried out in preparation for the exhibition *Babel heureuse? More than one language*, which opened at the Lëtzebuerg City Museum on 12 October 2024. See B. Cassin – G. Genot, *Babel heureuse? Plus d’une langue*, Luxembourg 2024. The author would like to thank the City of Luxembourg for its generous support and permission to participate in the conference of the International Commission for the History of Towns.

² K.-D. Eicheler, *Hellenen und Barbaren. Reflexionen zu einem alten Thema*, «Deutsche Zeitschrift für Philosophie», 40 (1992), pp. 859-869, and E. Meyer-Zwiffelhofer, *Barbaren, Asiaten, Sklaven, Juden. Rassismus in der Antike?*, «Historische Zeitschrift» 317 (2023), pp. 1–62.

in the Tower of Babel episode in the Book of Genesis, but also echoes throughout history, particularly in urban spaces where different languages coexisted. These linguistic differences have often given rise to social and societal tensions, especially in the pre-national era and even more so in the 19th and 20th centuries.

Indeed, numerous examples illustrate how linguistic diversity has been used as a means to negotiate power and shape identities in urban contexts, and how it has influenced the social order of cities; for example, in Prague, Trieste, Vilnius and Lviv, to name but a few. In Belgium, linguistic diversity – particularly between the French-speaking Walloons and the Dutch-speaking Flemish – led to significant tensions. These tensions eventually contributed to the federalisation of Belgium in the 1970s and 1980s, dividing the country into three regions: Flanders (Dutch-speaking), Wallonia (French-speaking), and the bilingual capital Brussels. While federalisation was intended to ease these tensions, it ended up deepening the fragmentation, as the linguistic communities began to operate more separately within their own political and social systems³. To return to the imagery of the “barbarian”, consider a modern-day example: in 2016, a young resident of Charleroi described in an interview the Dutch language as follows: “It’s a language of barbarians”⁴. A more distant example is the poet Guillaume le Breton, chaplain to King Philip Augustus of France, who observed that during the sieges of Courtrai and Lille in 1213, their ears, after having endured the harshness of a barbaric language for a long time, were finally soothed by the pleasing sounds of their native tongue⁵.

³ P. A. Kraus, *A Union of Diversity: Language, Identity and Polity-Building in Europe*, Cambridge 2008.

⁴ ‘C’est une langue de barbares’: voici ce que pensent ces jeunes Carolos du néerlandais, URL : <https://www.rtl.be/art/info/magazine/c-est-pas-tous-les-jours-dimanche/-c-est-une-langue-de-barbares-voici-ce-que-pensent-ces-jeunes-carolos-du-neerlandais-827991.aspx> [accessed 4.10.2024].

⁵ *Philippidos libri duodecim*, Liber 9: *Hinc quoque Cortraci vi moenia capta subivit, Nos ubi barbaricae post verba incognita linguae, Sub qua longa diu fueramus taedia passi, Demum nativae cognovimus organa vocis. Insula post triduum modica fuit obsidione, Vertice demisso, regi parere coacta*. Cited after A. G. Raoux, *Sur l’ancienne démarcation des pays flamands et wallons aux Pays-Bas*, «Nouveaux mémoires de l’Académie royale des sciences et belles-lettres de Bruxelles» 4 (1827), pp. 410–460: 418.

Luxembourg, although much smaller, has been similarly shaped by linguistic diversity. Situated at the heart of Europe and bordering Belgium, it has been influenced by both French and German powers, leaving a lasting imprint on its linguistic landscape⁶. In his historical summary of Emperor Henry VII, written in Latin and first published in 1531, the humanist Conrad Vecerius (c. 1487-1527) – probably born in the eastern part of Luxembourg and secretary to Emperor Charles V⁷ – referred to the vernaculars as barbarian languages (*barbaris linguis*)⁸. However, there is little evidence to suggest that within the country or its capital, the language of the ‘other’ – whether German-speaking or, conversely, French-speaking – was commonly perceived or deliberately used as an instrument of exclusion within the country or its capital. Although such instances are rare, this does not mean that linguistic barriers did not exist in everyday life, especially in the capital and along the linguistic border that historically divided the country and which, since the Middle Ages, has functioned less as a sharp border and more as a broad zone of linguistic interaction.

Language policy, though, played a crucial role in Luxembourg during the first half of the 19th century, as changing regimes used language to assert control. Under French rule (1795-1814), Luxembourg experienced the imposition of the French language with the aim of eradicating local dialects and regional particularisms. After the French defeat, the Dutch King William I, now Grand Duke of Luxembourg, treated the territory as a Dutch province, introducing Dutch in primary schools while promoting French among the elite to curb Prussian influence. The population, however, spoke Moselle Franconian dialects, while French and High German were used in administrative and elite circles. The uprising of 1830 was partly a reaction to forced Dutchification. In the 1830s, policy shifted again, promoting German as a means of breaking cultural ties with newly independent Belgium. Resistance grew, especially under the administration

⁶ For instance F. Hoffmann, *Zwischenland. Dialektologische, mundartphilologische und mundartliterarische Grenzgänge*, Hildesheim/New York 1981.

⁷ M. Melchior – C. Loutsch, *Humanistica Luxemburgensia – la ‘Bombarda’ de Barthélemy Latomus, les ‘Opuscula’ de Conrad Vecerius*, Brussels 2009, pp. 99–101.

⁸ C. Vecerius, *Libellus de rebus gestis imperatoris Henrici VII*, published in M. Melchior – C. Loutsch, *Humanistica Luxemburgensia*, pp. 187–235: 187.

of the Hessian statesman Hans Daniel Hassenpflug (1794-1862), who was tasked, among other things, with promoting Germanisation. The Education Law of 1843 by William I's successor, his son William II, attempted to bridge the language divide by making bilingual (French-German) education compulsory, laying the foundations for Luxembourg's institutional bilingualism, which was later formalised in the Constitution of 1848⁹.

In the 19th century, the capital of the Grand Duchy was thus characterised by linguistic diversity¹⁰: the mother tongue was Luxembourgish, but the school system was bilingual in German and French. But did this linguistic diversity disrupt the urban order of Luxembourg City during the critical period of national identity formation in the late 19th and 20th centuries¹¹? How did the city government deal with the challenges of linguistic diversity between 1862 and 1984? In this paper, we will examine the governance of linguistic diversity at the municipal level of the City of Luxembourg, focusing on the moments when language became a point of contention or negotiation within the municipal government.

By this time, the Municipal Law of 1843 had established a municipal administration consisting of a City Council and the College of Aldermen. Since then, the Council has been responsible for all matters of municipal interest, while the College is specifically responsible for the execution of laws and the publication and implementation of the decisions of the City Council¹². The above-mentioned first organic law on national education, enacted in 1843, introduced bilingual primary education, requiring

⁹ See, for an introduction F. Fehlen, *BaleineBis. Une enquête sur un marché linguistique multilingue en profonde mutation. Luxemburgs Sprachenmarkt im Wandel*, Luxembourg 2009 (Recherche Etude Documentation, 12), p. 15-22.

¹⁰ For a discussion on the differences between towns and the countryside regarding public communication spaces, see D. Tophinke - E. Ziegler, *Einleitung: Die Stadt als öffentlicher Kommunikationsraum*, in «Zeitschrift für germanistische Linguistik» 47/2 (2019), pp. 293-312.

¹¹ D. Scuto, *La nationalité luxembourgeoise (XIX^e-XX^e siècles) – Histoire d'un alliage européen*, Brussels, 2012.

¹² *Loi du 24 février 1843 sur l'organisation communale et des districts*, URL: <https://legilux.public.lu/eli/etat/leg/loi/1843/02/24/n1/jo>.

literacy in two languages, with primary schools organised and financed by the municipalities¹³.

In 1848, Luxembourg adopted a liberal constitution which enshrined the principle of Franco-German bilingualism in Article 30: “The use of the German and French languages is free for everyone; it shall not be restricted”¹⁴. Luxembourgish, although the common mother tongue, was considered a dialect (*Mundart*) and remained a spoken rather than a written language well into the 20th century. Meanwhile, the city’s administration operated bilingually, using only what most citizens considered to be foreign languages, German and French.

*

At the national level, there has been considerable research on language development and linguistic diversity in Luxembourg at the national level¹⁵, particularly since the 19th century. However, the approach of the capital’s political authorities – the City Council and the College of Aldermen – to the management of linguistic diversity remains completely unexplored.

In this sense, it is of preliminary interest to ask what language the City Council and the College of Aldermen used to communicate internally – a question that is difficult to answer, as there was no formal regulation that prescribed the use of languages in this context. However, it is very likely that until the end of the 19th century, discussions in the City Council were mainly conducted in French. It has not been possible to determine exactly when members were also able to express themselves in Luxembourgish. The earliest reference we could iden-

¹³ F. Fehlen, *L'imposition du français comme langue seconde du Luxembourg. La loi scolaire de 1843 et ses suites*, «Pays germanophones» 8 (2015), pp. 23–35.

¹⁴ See, for an introduction Fehlen, *BaleineBis*, p. 19.

¹⁵ See, for a recent overview on the subject, J. Reisdoerfer, *Remarques sur la politique linguistique au Grand-Duché de Luxembourg. Une guerre des langues?*, «Nos cahiers» 4/41 (2020), pp. 59–12, and C. Pinter, *Mehrsprachigkeit und Identitätsbildung im Großherzogtum Luxemburg. Eine sprachbiografische und diskurs-linguistische Untersuchung im superdiversen Kontext*, Berlin - Boston 2023 (Beihefte zur Zeitschrift für romanische Philologie, 482).

tify dates back to 1872¹⁶. While this may well predate Caspar Mathias Spoo's famous *Héméchsproch* speech in the Chamber of Deputies in 1896, in which he argued (unsuccessfully) for a more conscious use of the Luxembourgish language, particularly in political speeches, it is hardly surprising¹⁷: in 1869, a circular from the 'General Director of Municipal Affairs' (*General-Director der Gemeinde-Angelegenheiten*) on the deliberations of municipal councils noted that 53% of the country's 1,087 councillors had no knowledge of French¹⁸. In this sense, the fact that French was spoken in the Luxembourg City Council must be seen as an exception in the country.

With the merger in 1920, when the more rural communes of Hollerich, Hamm, Rollingergrund and Eich – where fewer people spoke French – joined the city of Luxembourg¹⁹, the composition of the city council changed, which also affected the use of languages, as a controversy in 1926 shows. The debates of 1926 show that the meetings of the city councils of the formerly independent municipalities were conducted exclusively in Luxembourgish. This incident illustrates the potential for conflict over

¹⁶ Archives de la Ville de Luxembourg, LU 02.4, Bulletins communaux - compte rendu analytique [AVL, LU 02.4], 1872_69.1 (9.11.1872), p. 222: "Il est impossible à notre secrétaire, au moyen des notes qu'il prend, de rendre textuellement les discussions si les orateurs, comme c'est le cas pour M. Godart, se servent dans la discussion du patois luxembourgeois." Cf. 1876_72 (16.12.1876), p. 271, and for the debates held at the Parliament of the German Confederation, convened in 1848 in Frankfurt, and the Chamber of Deputies in 1896: B. Majerus, *Ons Sprooch*, in *Lieux de mémoire au Luxembourg: usages du passé et construction nationale*, cur. S. Kmec et al., Luxembourg 2007, pp. 11-13.

¹⁷ On Caspar Mathias Spoo, see C. D. Conter, *Caspar Mathias Spoo*, in *Autorenlexikon*, URL: <https://www.autorenlexikon.lu>, 09.01.2024.

¹⁸ *Circulaire du 10 décembre 1869, concernant la forme des délibérations des conseils communaux*, in *Mémorial du Grand-Duché de Luxembourg* 57 (1869), pp. 437-442, analysed in F. Fehlen, *Die Stellung des Französischen in Luxemburg. Von der Prestigesprache zur Verkehrssprache*, in *Vielfalt der Sprachen - Varianz der Perspektiven. Zur Geschichte und Gegenwart der Luxemburger Mehrsprachigkeit*, cur. H. Sieburg, Bielefeld 2013, pp. 37-79: 43-44.

¹⁹ H. Beck, *Cinq communes, une capitale: épisodes d'une fusion*, in *La ville de Luxembourg: du château des comtes à la métropole européenne*, cur. G. Trausch, Anvers, 1994, p. 229-239; *La fusion communale de 1920 / Die Eingemeindung von 1920* = «Ons Stad» 123 (2021).

language use within the council (see Annex 1)²⁰. After the Second World War, Luxembourgish became the common language in the City Council, although it was still possible to express oneself in French or German²¹.

Due to the availability of source material, this analysis begins in 1862, the year in which the City Council under Mayor Jean-Pierre Heldenstein (1792-1868) began publishing analytical reports, the *bulletin communal*. This bulletin was a printed record of the proceedings in the city council. Initially, copies were available by subscription²². Its successor, now published as the ‘analytic report’, was distributed free of charge to all households in the capital. In 1894 this reporting system was reformed and stenographic reports were introduced²³. This study examines these reports, which have received relatively little attention in historical research on the city of Luxembourg²⁴. The study ends in 1984, the year in which the Grand Duchy adopted its first language law²⁵. In fact, the dynamics of the issues raised in this study become even more pronounced from the mid-1980s onwards, making it impossible to extend the analysis beyond this point.

This paper, which largely adopts a ‘top-down’ discourse analysis of the interventions and decisions made in the council’s meetings – in line with the theme of this conference, ‘Discourses of Urban Order’. It has deliberately refrained from using comparative sources, except where necessary for context,

²⁰ AVL, LU 02.4, 1926_120.1 (12. et 19. 6.1926), p. 41-42; 49, see transcription in the appendix.

²¹ 1946-1947_136, p. 15: Lambert Schaus begins to speak in French. He is asked by Venant Hildgen why he does not speak Luxembourgish. Emile Reuter replies that “le français étant la langue officielle constitutionnellement admise, il n’a certainement pas d’inconvénient à l’employer dans cette enceinte”, and is confirmed in his explanation by the mayor.

²² AVL, LU 02.4, 1876_72 (16.12.1876), p. 270.

²³ AVL, LU 02.4, 1903_99, p. 34.

²⁴ On the origins of the bulletin, see F. G. Emmel, *La bataille du “Bulletin communal” 1862-1904*, in *Le Luxembourg en Lotharingie: Mélanges Paul Margue*, cur. P. Dostert et al., Luxembourg, 1993, p. 145–165. See also F. G. Emmel, *Index des matières traitées par le Conseil communal de la ville de Luxembourg: 1891-1919. Répertoire systématique des registres aux délibérations, des bulletins communaux imprimés*, Luxembourg 1985.

²⁵ Fehlen, *BaleineBis*, pp. 33–35.

in order to focus on the council's conversations, discourses and decisions, rather than evaluating the effectiveness or outcomes of their actions.

In reviewing the city councils' reports, it was clear that language issues were primarily addressed in two key areas: firstly, the organisation of primary education and, secondly, communication with citizens. The latter concerned the choice of language for the practical dissemination of information and the promotion of public participation in political decision-making. Two distinct periods could be identified, justifying the structuring of this paper into two parts: before and after the Second World War. The war period has been excluded for two reasons: firstly, the city of Luxembourg was under the control of a Nazi mayor²⁶, leaving no City Council reports, and secondly, the situation is relatively straightforward – Luxembourg was to be Germanised for ideological reasons.

1. 1862-1939

Notre langue maternelle est le luxembourgeois. [...] Mais cette langue, qui nous est chère, est insuffisante pour nous permettre de jouer un rôle, si modeste soit-il [...]

Joseph Wagener (1882-1958),
Congrès international du Bilinguisme, 1928.

a. *Communication with the citizens*

Two main means of communication with the citizens can be identified for this period: the publication of regulations and the Bulletin, which published the transcripts of council meetings.

The city archives contain a large number of public announcements. This collection stretches back to the time when the land was incorporated into the French *Département des Forêts* at the end

²⁶ For a brief introduction, see M. Pauly, Die NS-Stadtverwaltung unter Richard Hengst in *Die Geschichte der Stadt Luxemburg in 99 Objekten*, Luxembourg 2023, n° 81.

of the 18th century. Recent research has identified three broad phases in the language management practices of the 19th century²⁷:

1. First Phase (French Annexation to 1812): During this period, French dominated public announcements. No exclusively German-language announcements are found, although a considerable number of bilingual ones exist.
2. Second Phase (until mid-century): This phase saw a marked shift towards consistent bilingualism. Following the French period and around the time of the Congress of Vienna (1815), German-only announcements appeared for the first time. For these two phases, a relatively clear language management strategy by the city's magistrate can be reconstructed, offering a structured form of communication.
3. Third Phase (mid-19th century to early 20th century): The consistent bilingualism of the earlier period began to erode. The second half of the 19th century witnessed a significant increase in German-only announcements. By the early 20th century, bilingualism had given way to a more fluid and unregulated choice of language, with German, French, and bilingual announcements occurring in roughly equal proportions. The city administration did not adhere to a consistent language policy in its public announcements, but rather "brought to public attention and published in both languages wherever necessary"²⁸. In fact, when difficulties were noted by council members, they were brought to the council's attention, which

²⁷ On these public announcements, see P. Gilles – E. Ziegeler, The "Historical Luxembourgish Bilingual Public Notices Database", and as a source of historical research on language practices, P. Gilles – E. Ziegeler, *Linguistic Landscape-Forschung in sprachhistorischer Perspektive: Zur Entwicklung visueller Kommunikate im öffentlichen Raum der Stadt Luxemburg im langen 19. Jahrhundert*, in «Zeitschrift für germanistische Linguistik» 47/2 (2019), pp. 385-407, E. Ziegler, *Sprachenpolitik und Sprachenmanagement in Luxemburg (1795–1920)*, in *Linguistische und soziolinguistische Bausteine der Luxemburgistik*, cur. P. Gilles – M. Wagner, Frankfurt a. M. 2011, pp. 177-202, and O. Moliner – E. Ziegler, *Sprachenpolitik, Sprachideologie und Sprachgebrauch in Luxemburg. Das Deutsche in Luxemburg im 19. Jahrhundert (1795–1920)*, in *New Methods in Historical Corpus Linguistics*, cur. P. Bennett – M. Durrell – S. Scheible – R. J. Whitt, Tübingen 2013 pp. 127–137.

²⁸ For instance AVL, LU 02.4, 1865_65.2, p. 7.

did not oppose bilingual publication²⁹. Overall, a variety of language choices and combinations were used, with no overarching linguistic strategy.

However, in other areas, such as the uniforms worn by municipal officers³⁰ and their language skills³¹, or the dissemination of practical information³², ‘language parity’ (“parité des langues”) seems to have been the norm in the second half of the 19th century.

The Bulletin, on the other hand, had been published exclusively in French since 1862. In 1885, Nicolas Martha (1820-1898), a pioneering advocate for workers’ rights, was the first to propose that it be published in both French and German. He noted that the majority of the electorate were predominantly Luxembourgish-speaking and preferred to read and communicate in German³³. He pointed out that a significant number of

²⁹ AVL, LU 02.4, 1893_89, p. 62: Out of the 10 regulations in effect in 1893, five were drafted in only one language, others were poorly written or equally poorly translated. Some were published only in German, but the President noted “rien n’empêche qu’à l’avenir ils soient publiés dans les deux langues.” When, in 1901, a regulation concerning the connection of the Mansfeld park customs office (“bureau d’octroi du parc Mansfeld”) to the water supply was published only in French, Luc Housse remarked that this would not be sufficient to convey the message effectively: “On aurait dû l’afficher en allemand, parce que la plupart des paysans ne comprennent pas le français; on aurait au moins dû afficher un extrait en allemand, car que voulez vous que les campagnards fassent d’un long règlement, affiché en français et dans une écriture serrée, encore.” When in 1898, a regulation was supposed to be published. Victor Clément requested it to be translated into German, to which Charles Warisse responded: “Peu importe”. A discussion followed and Victor Clément argued: “Il y a bien des gens qui ne comprennent pas le français”. Jacques Paul Warisse replied: “Ceux qui ne savent pas le français se le feront traduire.” (AVL, LU 02.4, 1898_94, p. 328).

³⁰ AVL, LU 02.4, 1871_68.2 (19.8.1871), p. 121.

³¹ AVL, LU 02.4, 1900_96, p. 24: During the recruitment of new city sergeants, Alderman Jean-Pierre Herriges stated that it was “dans l’intérêt du service que ces agents sachent parler le français”, dont le Président lui répondit: “Il faut qu’ils sachent faire une petite conversation en français: nous n’exigeons pas d’eux qu’ils écrivent la langue correctement, mais il faut qu’ils sachent la parler.”

³² AVL, LU 02.4, 1882_78 (29.1.1882), p. 46.

³³ AVL, LU 02.4, 1885_81, p. 156: “[La] majorité de nos électeurs [communaux] ne connaît que la langue allemande, ou du moins, préfère lire l’alle-

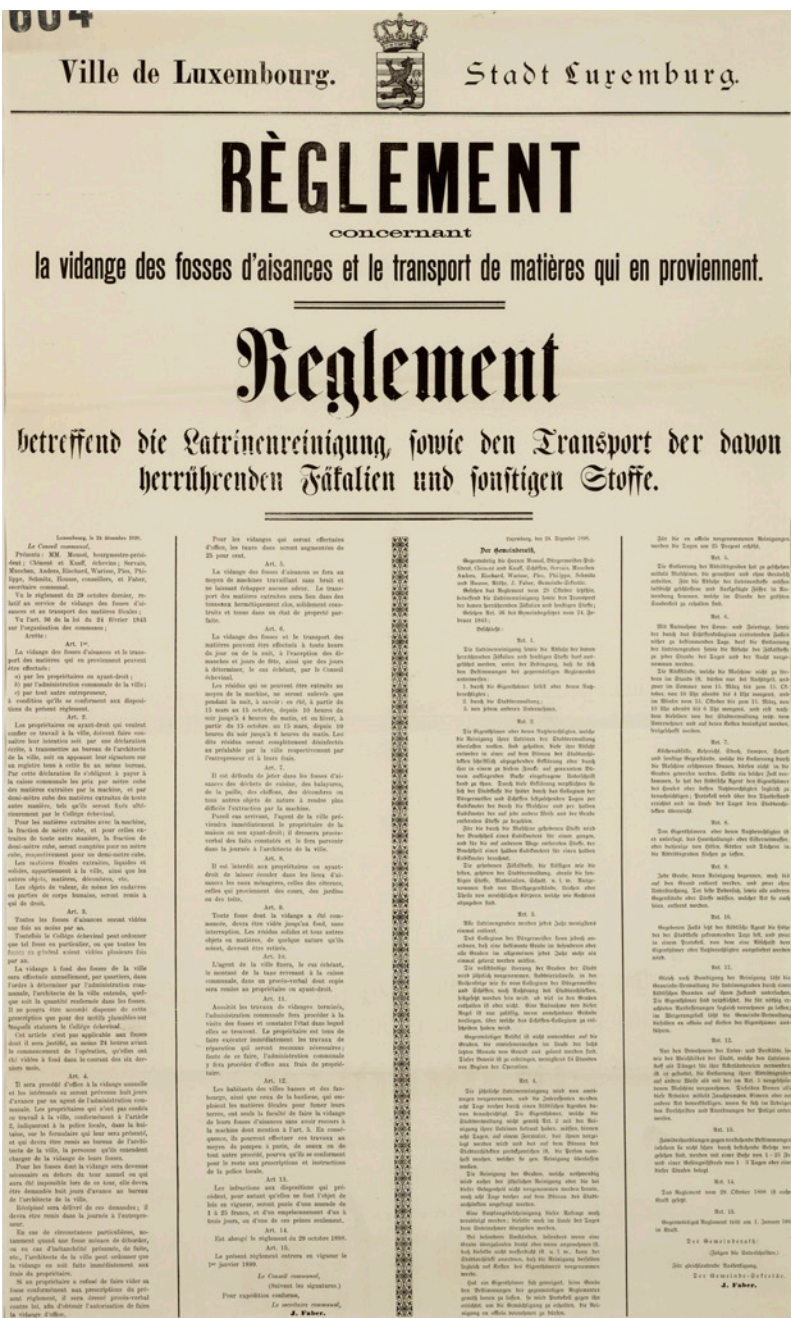


Fig. 1. A bilingual public announcement (with common translation deviations): *Règlement concernant la vidange des fosses d'aisances et le transport de matières qui en proviennent* / *Reglement betreffend die Latrinenreinigung, sowie den Transport der davon herrührenden Fäkalien und sonstigen Stoffen*. Les 2 Musées de la Ville de Luxembourg, 2003.1126, photo : Studio Rémi Villagi.

citizens, although fluent in German, favoured French, especially in public debates. This preference stemmed from the consideration that the original French version captured the essence and nuances of the speaker's message more accurately than a translation could. The mayor concluded that "there is no general interest that justifies the increased expenditure that would result from the measure proposed by Mr Martha"³⁴. In response, Tony Dutreux (1838-1933) argued that it would be "of great interest for the bulletin to be published in German, and German only, as it is the common language of the majority of local voters"³⁵. In the end, the proposal to distribute analytical reports written in German free of charge to all voters was rejected, with only Charles Warisse (1871-1936), Tony Dutreux, and Nicolas Martha voting in favour.

It was during this period, in the mid-1880s, that the first interventions were made in the City Council to ensure that citizens understood their rights, especially if they were not familiar with the French language. For instance, as more insurance companies were set up in Luxembourg in the 1880s, councillor Charles Warisse argued that insurance policies should also be published in German so that policyholders could fully understand their obligations and rights³⁶.

mand, qui est plus à sa portée; d'un autre côté, un nombre respectable de nos concitoyens, s'ils lisent tout aussi bien l'allemand que le français, préfèrent pourtant ce dernier, et ils n'ont pas tort, si l'on considère que c'est le français qui est employé dans nos discussions, et que de cette façon ils rencontreront plus sûrement l'idée première et les expressions mêmes de l'orateur que dans la traduction." He concluded that the bulletin should be published in both languages, despite the additional cost, estimated at one franc per voter – a "modeste obole, pour être à chaque moment, à même de voir clair dans la gestion de ses intérêts publics."

³⁴ AVL, LU 02.4, 1885_81, p. 157: "qu'il n'y a pas d'intérêt général qui justifie l'augmentation de dépense qu'entraînerait la mesure proposée par M. Martha."

³⁵ AVL, LU 02.4, 1885_81, p. 158: "d'un grand intérêt qu'il fût publié en allemand et en allemand seulement, qui est l'idiome usuel du plus grand nombre d'électeurs communaux."

³⁶ AVL, LU 02.4, 1886_82, p. 50: "parce qu'à défaut de connaissance de la langue française, elles ne peuvent se rendre compte de leurs obligations et de leurs droits consignés dans l'acte de police."

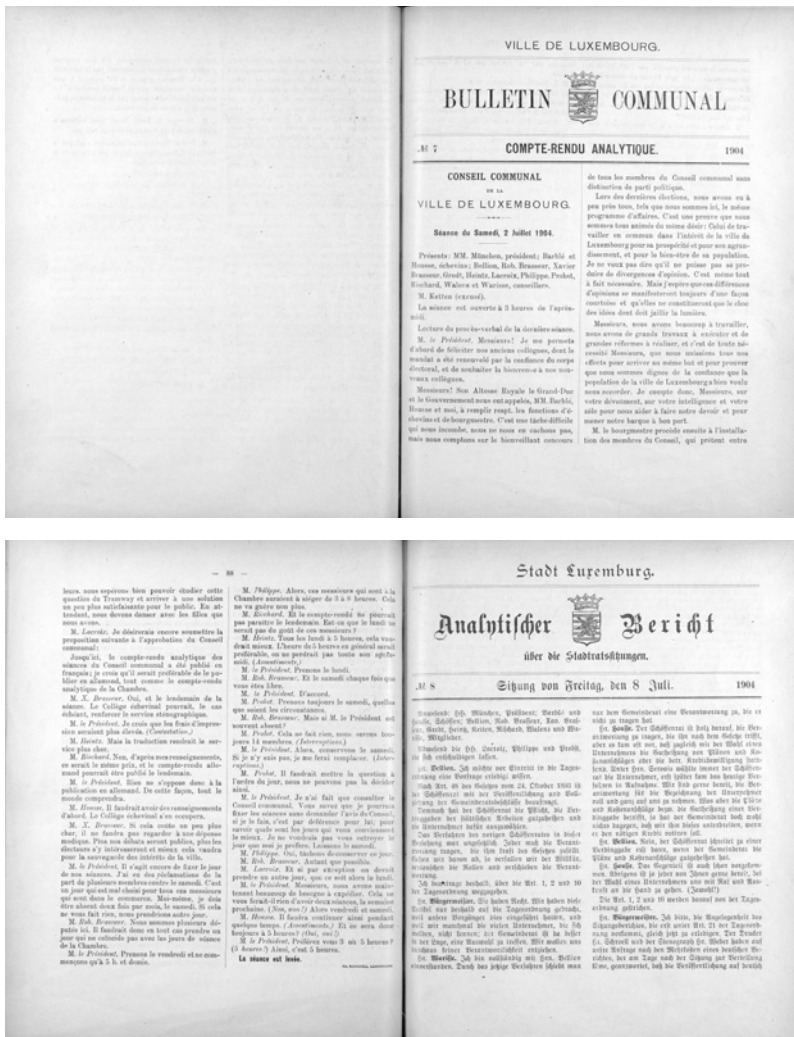


Fig. 2 and 3. Editions 6 and 7 of the bulletin in 1904 mark a significant transition: the former being the final edition published in French, and the latter the first to appear in German. Source: AVL, LU 02.4, 1904_100.

The Bulletin continued to be published in French until the session of 2 July 1904. As early as 2 February 1903, councillors Luc Housse, Georges Kleyr, Alphonse Kemp, and Jean-Pierre Probst had already submitted a proposal to publish the proceedings in German. The arguments in favour of publication in German were based on the same reasons as in 1885: the majority of voters understood only German. Alphonse Kemp added a legal dimension: “No one is supposed to be ignorant of the law”, and

yet they would be communicating in a language understood only by a minority³⁷. The proposal was rejected³⁸.

At the Council meeting of 2 July 1904, the issue was raised once again, this time by councillor Léandre Lacroix (1859-1935), who argued that “it would be preferable to publish it in German, like the Analytical Report of the Chamber of Deputies”³⁹. The stenographic service would have to be strengthened, the printing costs would be higher and the translation would make the service more expensive. In an unexplained change of mind, the mayor Alphonse Munchen concluded that “there is nothing to stop it being published in German. Everyone will understand it”⁴⁰. Xavier Brasseur (1865-1912) added: “The more public our debates are, the more voters will be interested and the better it will be for the interests of the city”⁴¹. The publication in German

³⁷ AVL, LU 02.4, 1903_99, p. 40: “il y a un but utilitaire à publier le compte rendu que nous demandons. Nous faisons ici des règlements et des règlements en vertu desquels nos concitoyens peuvent être traduits en justice de paix. Eh bien, il est un principe qui dit: Nul n’est censé ignorer la loi. Ce même principe s’applique aux règlements. Or, pour ce la il est nécessaire que nous mettions les règlements à la portée de tout le monde, il faut que tout le monde sache ce que nous faisons ici.”

³⁸ AVL, LU 02.4, 1903_99, p. 34; 40–41: [Jean-Pierre Probst] “présence d’une population comme celle de la ville de Luxembourg, qui est intelligente et qui a reçu, même dans ses classes inférieures, une bonne instruction, je crois que je peux renoncer à ce desideratum de voir ce Bulletin rédigé en langue allemande.” Further on, a remark by the President: “Bien, on renonce à la traduction.” Nicolas Philippe reacted: “Ces Messieurs ont bien voulu renoncer à la traduction. De cette façon le coût [du Bulletin communal] est diminué. Mais prenez les électeurs. En supposant même qu’ils soient très intelligents, un tiers en tout cas des électeurs ne comprendront pas le Bulletin communal, si vous le publiez en français.” [Pierre Kemp]: “Pauvre instruction primaire.” [Nicolas Philippe]: “Il y aura toujours des électeurs qui ne comprendront pas le français, vous pouvez en être sûrs. Si vous voulez faire une publication, vous devez la faire en allemand.”

³⁹ AVL, LU 02.4, 1904_100 (2.7.1904), p. 88: “qu’il serait préférable de le publier en allemand, tout comme le compte-rendu analytique de la Chambre.”

⁴⁰ AVL, LU 02.4, 1904_100 (2.7.1904), p. 88: “rien ne s’oppose donc à la publication en allemand. De cette façon, tout le monde comprendra.”

⁴¹ AVL, LU 02.4, 1904_100: “Plus nos débats seront publics, plus les électeurs s’y intéresseront et mieux cela vaudra pour la sauvegarde des intérêts de la ville.”

continued until the Second World War, after which it was published in French and Luxembourgish, then in German.

At the same time, there was real interest in the management of the bilingual system, as demonstrated by an international congress on the “bilingual system” held in Luxembourg from 2 to 5 April 1928, which was generously supported by the City “in view of the importance of this congress” as was stated in the City Council⁴². In his opening speech, the Government Councillor Joseph Wagener (1882-1958) presented Luxembourg’s perfectly pragmatic approach to its bilingualism⁴³:

Our mother tongue is Luxembourgish. [...] But this language, however dear to us, is not enough to allow us to play even the most modest role among the great nations that surround us. Our borders are so close that even the smallest journey we make, whether to the east or west, inevitably leads us to Longwy, Arlon or Trier. We are therefore forced to add to this common base other linguistic skills, more or less advanced, which allow us to come out of our isolation. [...] Of course, the forced bilingualism of our country is not without serious drawbacks. Apart from the fact that it makes the work of teachers and pupils much more difficult, it is said to condemn us to never developing a culture of our own.

b. Education: Luxembourgish dialect and francophile

The organisation of primary education, which fell under the responsibility of the municipal authorities⁴⁴, was discussed annu-

⁴² AVL, LU 02.4, 1928_122, p. 43.

⁴³ *Congrès international du Bilinguisme*, in «L’indépendance luxembourgeoise» (3.4.1928), p. 2 : “Notre langue maternelle est le luxembourgeois. [...] Mais cette langue, qui nous est chère, est insuffisante pour nous permettre de jouer un rôle, si modeste soit-il, parmi les grands peuples qui nous entourent. Nos frontières sont si proches que le moindre petit voyage que nous entreprenons d’aventure vers l’est ou vers l’ouest aboutit inévitablement à Longwy, Arlon ou Trêves. Force nous est donc d’ajouter à ce fonds commun d’autres connaissances linguistiques plus ou moins approfondies, qui nous permettent de sortir de notre isolement. [...] Certes le bilinguisme forcé de notre pays n’est pas sans présenter des inconvénients sérieux. Outre qu’il complique singulièrement la tâche des maîtres et des élèves, il nous condamne, dit-on, à ne jamais avoir de culture propre.”

⁴⁴ See as a short introduction: N. Bosseler, *Eine Kleine Chronik des städtischen Schulwesens. Von den Anfängen bis in die Nachkriegszeit*, «Ons Stad» 20 (1985), pp. 18-19.

ally, as required by the law of 1843. From the end of the 1860s, there were increasing calls for a reform of this bilingual education system, highlighting the difficulties faced by pupils in mastering both languages, which for most of them were considered foreign languages (“*langues étrangères*”)⁴⁵.

French was the more ‘noble’, preferred foreign language of the bourgeoisie, and therefore of most of the members of the Council⁴⁶. The integration of French-speaking pupils in schools with predominantly Luxembourgish children was therefore considered beneficial, as it promoted French language skills through interaction⁴⁷. Wealthier families often sent their children abroad to perfect their French, reflecting a preference for proficiency in the French language⁴⁸. Teachers themselves, however, also faced challenges as demands for improved French language skills were directed at them⁴⁹. There were cases of teachers taking a sabbatical year to improve their language skills in France⁵⁰. The promotion of French continued into the early 20th century⁵¹.

⁴⁵ AVL, LU 02.4, 1879_75 (27.9.1879), p. 181; 1868-69_67, p. 177: The school inspector, Funck, addressed the college. He asked that primary education be reformed because the „graves inconvénients, qui sont inhérents à l’enseignement simultané des langues et grammaires allemandes et françaises“. French instruction should only begin from the second year of schooling. See also 1895_91, p. 232.

⁴⁶ See the list of the members of the municipal council of the late 19th and early 20th century, with indication of their occupation in Emmel, *Index des matières* p. X–XI.

⁴⁷ AVL, LU 02.4, 1868-69_67, p. 184 : “Les écoles de la ville haute sont fréquentées par des enfants venant de la gare. Le nombre, de ces derniers n’est pas grand et ils occasionnent non plus d’encombrement. Ils sont même vus avec plaisir, parce qu’ils appartiennent tous à des familles bourgeoises et même plusieurs à des familles françaises. La conversation avec ceux-ci est pour les autres enfants un stimulant pour l’étude de la langue française. Quand ce ne serait que sous le rapport de l’accentuation de la lecture française, la présence de ces enfants dans les écoles de la ville est d’une certaine utilité.”

⁴⁸ AVL, LU 02.4, 1894_90 (23.7.1894), p. 15 (Joseph Mich Heintz). For a general study of the bourgeoisie in this period, see J. Weber, *Familien der Oberschicht in Luxemburg: Elitenbildung & Lebenswelten: 1850-1900*, Luxembourg, 2013.

⁴⁹ AVL, LU 02.4, 1892_88 (22.7.1892), p. 120.

⁵⁰ AVL, LU 02.4, 1884_80 (16.6.1884), p. 123.

⁵¹ AVL, LU 02.4, 1912_108.1 (29.1.1912), p. 88 (Jules Keiffer, Paul Stümper).

Simultaneously, advocates of the German language argued for its importance in the curriculum⁵².

Interestingly, while the country was becoming more and more of an immigrant country around 1900, with Italians in particular becoming the main labour force in the steel industry⁵³, located mainly in the south of Luxembourg, this had no impact on the Council's discussions on language issues in the capital. From 1901 onwards, the municipal authorities became increasingly concerned about the influx of Italian immigrants⁵⁴, but only because they were described as poor travellers⁵⁵. However, this Italian immigration was to prove highly beneficial in the following decades.

As far as the Luxembourgish language is concerned, it was introduced into the primary school curriculum with the 1912 School Law⁵⁶, which, in the city of Luxembourg after the First World War, went hand in hand with a renewed emphasis on French for political and economic reasons⁵⁷. The central question was whether Luxembourg should align itself with Belgium or France, with a clear consensus that the country should align itself with the French-speaking nations rather than with Germany.⁵⁸

⁵² AVL, LU 02.4, 1881_88, p. 8 "Pour aucune matière de l'enseignement populaire la préparation est plus inégale chez nos élèves que pour la langue française. Il faudrait donc retenir trop longtemps dans la classe inférieure les élèves mal préparés dans cette langue. Les jeunes gens qui n'ont pas l'intention de quitter le pays, y perdraient un temps précieux, qu'ils peuvent employer plus utilement pour se perfectionner dans la langue allemande, les mathématiques et les sciences naturelles. D'un autre côté, l'étude de la langue française est de la plus grande utilité pour les jeunes gens qui vont en France pour se perfectionner dans leur métier, ou pour y chercher du travail."

⁵³ See as an introduction Scuto, Denis, *Histoire des immigrations au Luxembourg (XIX^e-XXI^e siècles)*, in *25 ans d'action pour l'immigration*, cur. OGBL, Luxembourg 2010, pp. 12-31: 22-23.

⁵⁴ AVL, LU 02.4, 1901_97, p. 327. See also p. 94-95 (Arthur Knaff).

⁵⁵ AVL, LU 02.4, 1902_98, p. 330.

⁵⁶ See, as an introduction, R. Moes, *La réforme scolaire de 1912*, «Forum» 325 (2013), pp. 35-38, and in the given context: P. Pérporté – S. Kmec – B. Majerus – M. Margue, *Inventing Luxembourg Representations of the Past, Space and Language from the Nineteenth to the Twenty-First Century*, Leiden – Boston 2010, pp. 259-261.

⁵⁷ Cf. AVL, LU 02.4, 1921_115 (16.7.1921), p. 102 (Cahen).

⁵⁸ AVL, LU 02.4, 1921_115 (16.7.1921), p. 102 (Cahen): "in Zukunft ist mehr Sorgfalt an das Erlernen der französischen Sprache zu verwenden, da in Zukunft jedermann, Handwerker oder Geschäftsmann sich dieser

The proposal to put more emphasis on the teaching of French was unanimously accepted and forwarded to the school commission⁵⁹. Luxembourgish was still not recognised as a written language⁶⁰, but there was a growing ‘valorisation’ of the language, as calls for its use in official settings, such as the courts, gained momentum⁶¹.

2. Post-World War II – 1984

an diesem ort sind sprachkenntnisse die norm. hier spricht man in vielen zungen. davon wird einem warm ums herz, es gibt kein land in europa, in dem man so viel welt spürt, wie hier in luxemburg.

Roger Manderscheid, *kühe im nebel*, Nospelt 2003, p. 25.

a. Integration and Communication

After the Second World War, the city’s approach to communicating with its citizens did not change much at first. Although the French language gained in importance for a short time, this change was short-lived.

With the significant influx of Italian, Spanish⁶², and Portuguese⁶³ immigrants from the late 1960s onwards, the language question be-

Sprache bedienen muss; einerlei ob wir einen Anschluss mit Belgien oder mit Frankreich erhalten.”

⁵⁹ AVL, LU 02.4, 1921_115 (10.9.1921), p. 142.

⁶⁰ AVL, LU 02.4, 1928_122, p. 398: In 1928, it was noted regarding the exams held at the Conservatory that everyone expressed the desire for these to be conducted in Luxembourgish, but they had to be held “in einer geschriebenen Sprache [...] was die Luxemburgische nicht ist und die Kinder können dieselbe weniger lesen und schreiben, als eine andere Sprache.”

⁶¹ AVL, LU 02.4, 1926_120.1 (12.6.1926), p. 42 (Kohner): “Es wäre übrigens auch besser, wenn vor Gericht Luxemburgisch gesprochen würde, dann käme es nicht vor, dass jemand verurteilt wird, ohne zu wissen, warum.”

⁶² On the Spanish immigration, see A. F. Asperilla, *L’immigration espagnole au Luxembourg et son rôle dans la coordination européenne du mouvement associatif “ethique”*, in *Retour de Babel: itinéraires, mémoires et citoyenneté*, Luxembourg 2007, pp. 60-63.

⁶³ F. Berger, Zoom sur les primo-arrivants portugais et leurs descendants, in *Chroniques de l’enquête PSELL* 3/49 (2006), pp. 1-2.

came increasingly intertwined with the wider issue of immigrant integration. At the national level, the number of Italians rose from 8,000 in 1947 to almost 25,000 in 1966⁶⁴. The City Council and the College of Aldermen began to proactively promote integration efforts, explicitly linking them to social order, and arguing that social stability could only be maintained through successful integration. In practical terms, this period saw the expansion of financial support to associations founded by immigrants⁶⁵, as well as to traditional Luxembourgish organisations that promoted integration initiatives. A clear objective emerged: to foster human relations between all residents and to avoid the emergence of language barriers, which were seen as likely to arise in the near future.

By the mid-1970s, the importance of communication in Portuguese, Italian, and Spanish was recognised. A notable example occurred in 1976, when a major gas explosion devastated the Pfaffenthal quarter. In response, a form was created to help victims obtain information about property damage and loss of wages, printed in both French and Portuguese⁶⁶. Similarly, other information sheets appeared in Portuguese and Italian⁶⁷.

In 1978, the Council proposed the creation of a Joint Advisory Commission on Immigrants ('Commission consultative paritaire des immigrées'), intended to serve as an advisory body to the Council on matters concerning immigrant workers. The commission was to be composed of two Italians, two Portuguese, one Spaniard, one Yugoslav⁶⁸, and six representatives of the City Council⁶⁹. At the same time, a Foreigners' Welcome Service ('Service d'accueil des étrangers') was created to further facilitate integration efforts.

⁶⁴ Scuto, *Histoire des immigrations*, p. 30.

⁶⁵ For instance: AVL, LU 02.4, 1971-1974_148, p. 117: A boules club founded by Italians is provided with materials for the construction of a boulodrome.

⁶⁶ AVL, LU 02.4, 1975-1978_149 (5.7.1978), p. 123. No copy of this form appears to have been preserved in the municipal archives or other public collections. See on the language barriers in the context of this explosion: M. Pauly, *Mehr Ausländer als Luxemburger, mehr Arbeitnehmer als Einwohner*, in *Die Geschichte der Stadt Luxemburg in 99 Objekten*, Luxembourg 2023, n° 93.

⁶⁷ AVL, LU 02.4, 1979-1982_150 (18.12.1978), p. 339 (Colette Flesch, DP).

⁶⁸ Yugoslav immigration was the result of an agreement signed in May 1970 between Luxembourg and Yugoslavia, which actively encouraged migration to Luxembourg: Scuto, *Histoire des immigrations*, p. 32.

⁶⁹ AVL, LU 02.4, 1975-1978_149 (16.1.1978), p. 3.

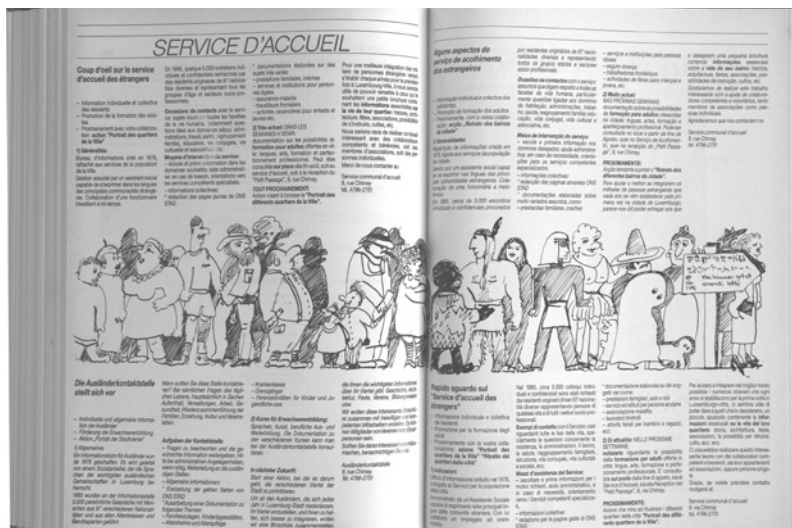


Fig. 4. Presentation sheet of the services of the Foreigners' Contact Office in French, German, Portuguese and Spanish, 1986. Source: AVL, 1983-1986_151, appendice du compte analytique n° 4 de l'année 1986.

b. Education: mastering immigration and linguistic diversity (until 1984)

After the Second World War, attention initially shifted to the English-speaking world in the area of primary school organisation. The promotion of the English language wasn't entirely new: as early as 1891, the city council had voted to create an advanced level in primary schools for children aged 13 to 14⁷⁰. The curriculum at that time included practical accounting, business correspondence, and instruction in French, German, and "the rudiments of the English language"⁷¹. English had already been taught at the industrial school, part of the *Athénée*⁷², but it was considered as an additional skill, useful mainly for commercial

⁷⁰ See on the introduction of the English language into the Luxembourgish school system: F. Fehlen, *Englisch als erste Fremdsprache? Die paradoxe Stellung einer Weltsprache innerhalb der luxemburger Mehrsprachigkeit*, «Forum» 375 (2017), pp. 59–61.

⁷¹ AVL, LU 02.4, 1891_87 (21.3.1891), p. 75.

⁷² AVL, LU 02.4, 1891_87 (14.11.1891), p. 175.

apprentices⁷³, as opposed to French and German, which were deemed essential (“qui sont de toute première nécessité”)⁷⁴.

It wasn't until after the Second World War that English started to gain real importance. The rationale for this shift echoed that used in 1921 for French: the growing need for language skills due to the country's changing economic and political alignment. To this was added the argument of tourism⁷⁵. In 1949, the decision was taken to introduce English as a compulsory subject in upper primary schools, reflecting Luxembourg's expanding international relations going beyond France, Belgium, and Germany⁷⁶. The official incorporation into the curriculum took place in 1950⁷⁷.

At the same time, Luxembourg faced a new challenge: the growing number of foreign schoolchildren. By the end of the 1940s, this had become an issue. In 1949, there were 248 foreign children in Luxembourg's schools, a number that decreased slightly to 233 in 1950⁷⁸. These children were predominantly of Belgian, French, or Italian descent, and it was expected that the number would increase, especially if Luxembourg continued to host the

⁷³ AVL, LU 02.4, 1891_87 (14.11.1891), p. 176 (Wittenauer).

⁷⁴ AVL, LU 02.4, 1891_87 (14.11.1891), p. 175 (Charles Ferdinand François Larue).

⁷⁵ AVL, LU 02.4, 1946-47_136 (18.8.1947), p. 172 (Bauer): “D'englesch Sproch as fir ons Kanner ebenfalls ganz wichteg, speziell, well mer ons wirtschaftlech emmer me' zo' dér Seit hin oriente'eren. Och vom Point de vue touristique aus wär et gutt, wa me'glechst vill Leit englesch schwätze können. [...] Et mecht de Friëmen emmer Fréd, wa schon d'Kanner him a senger Sproch äntwerten a wann et och nemmen e klenkt Renseignement ass. Da fillen se sech direkt vill me' dohém bei ons.”

⁷⁶ AVL, LU 02.4, 1949_137.2 (26.9.), p. 181 (Wolter): “Wat den obligatoreschen englesche Cours ubelaangt, do hu mer des längeren driwer an der Scho'lkommissio'n debatte'ert a mer sin zo' der Iwerzégong komm, well ons wirtschaftlech Beze'ongen iwwer Frankreich, Belgien an Daitschland erausgin, datt et dach vleicht interessant wär, wann ons Kanner e we'neg Englesch ge'we le'eren. Doropgin hu mer décide'ert, och d'Englescht als Pflichtfach an de Programm ze setzen. Dir werd mech froen, ob mer da Leit hätten, fir de' Cours'en ze gin. [...]”

⁷⁷ AVL, LU 02.4, 1950_139.1 (21.8.1950), p. 156 (Koenig).

⁷⁸ AVL, LU 02.4, 1949_137.2 (26.9.1949), p. 177 (Wolter): “[...] datt an onse Scho'len 248 Kanner vu friemer Nationalite't sin. Dat si méschtens blesch, franse'sch, deitsch an italienesch Kanner. D'auslännesch Kanner beneficie'ren vun déne selwegten Avantages'en ewe' ons Kanner. C'est une affaire de courtoisie.”; 1950_139.1 (21.8.1950), p. 156 (Koenig).

Schuman Plan⁷⁹. In 1954, for the first time, it was clearly stated that these children were significantly disadvantaged in Luxembourg's bilingual education system, as they were unable to follow the lessons on an equal footing with their Luxembourgish peers⁸⁰.

From the beginning of the 1960s, discussions about foreign-language pupils became more and more important in city council meetings. With the establishment of European institutions in Luxembourg⁸¹, the need to adapt the education system became more pressing. The new European School⁸², founded in 1954 on the initiative of ECSC officials with the support of the Community institutions and the Luxembourg government, set a precedent⁸³. Critics began to argue that Luxembourg should abandon its outdated Franco-German primary school model in favour of something more attuned to the city's evolving linguistic diversity⁸⁴.

In response, initial measures were introduced to integrate children of foreign origin, primarily Italians, into the Luxembourgish school system. Special courses were set up in which pupils could learn German and French quickly on a voluntary basis outside regular school hours. Although participation in these 'cours de rattrapage' gradually declined over time, the concept remained an important bridge for the integration of foreign children⁸⁵.

By 1963, city officials were beginning to realise the scale of the demographic shift. The number of foreign schoolchildren, while still relatively modest, was expected to increase significantly, with an annual influx of 200 to 300 foreign workers, many with their families⁸⁶. Yet, these children were not receiving adequate educational support. As a result, in the following school

⁷⁹ AVL, LU 02.4, 1952_140 (28.10.1952), p. 173 (Koenig): "Ech wéss net, ob nach en anert Land, e friemt, eso vill fir ons Letzebuurger Kanner mécht ewe' mir fir Kanner vu friemen Natio'nen." On the Schuman Plan, see also 1954_141.1 (16.7.1954), p. 104 (Schilling).

⁸⁰ AVL, LU 02.4, 1954_141.1 (16.7.1954), p. 104 (Schilling).

⁸¹ M. Pauly, *Eine Stadt neben der Stadt*, in *Die Geschichte der Stadt Luxemburg in 99 Objekten*, Luxembourg 2023, n° 88.

⁸² AVL, LU 02.4, 1960-1961_144 (21.7.1961), p. 200–201 (Noesen).

⁸³ J. Gruber, *Europäische Schulen: Ein in die EG integriertes Völkerrechtssubjekt*, «Zeitschrift für ausländisches öffentliches Recht und Völkerrecht» 65 (2005), pp. 1015–1032.

⁸⁴ AVL, LU 02.4, 1960-1961_144 (21.7.1961), p. 200–201 (Noesen).

⁸⁵ AVL, LU 02.4, 1962-1963_145 (15.7.1963), p. 101 (Bollendorf).

⁸⁶ AVL, LU 02.4, 1962-1963_145 (15.7.1963), p. 96 (Bervard).

year, the city set up its first reception classes ('classes d'accueil') for Italian children, designed to address the growing language problem ("Sprachenproblem")⁸⁷. Interestingly, the challenge was not so much about the Italian language - since there were enough Italian-speaking teachers due to the long history of Italian immigration to Luxembourg, dating back to the late 19th and early 20th centuries - but rather Spanish and Portuguese, for which there was a shortage of qualified teachers⁸⁸.

To further support this linguistic integration, teachers were offered paid leave to attend language courses⁸⁹. By 1969, the city had created five reception classes for Italian children, along with three each for Spanish and Portuguese children⁹⁰. By that year, the city counted 345 Italian, 80 Spanish, and 95 Portuguese children in its schools. This shift in the capital's demographic composition led to a remarkable comment in the City Council, expressing frustration that not enough would be done in terms of integration: "Are they not Europeans? [...] 360 million [Luxembourg francs] are spent on the children of Europe's 'aristocracy', yet it's difficult to even find a classroom for the children of the workers who build these monumental buildings"⁹¹.

⁸⁷ AVL, LU 02.4, 1962-1963_145 (15.7.1963), p. 97 (Noesen): "Was die fremdsprachigen Kinder anbetrifft, schlage ich die Schaffung einer "classe d'adaptation pour enfants d'expression étrangère" vor, in welcher diese Kinder speziellen dieser oder jener Sprache ausgebildet werden konnten. [...] Fast 10% der in der Hauptstadt lebenden Kinder sind Ausländer. [...] Und es sieht fast nach einer Rassen oder Klassendiskrimination aus, wenn wir hier keine Lehrer für italienischsprechende Kinder finden während die Gemeinde von heute auf morgen die Genehmigung zur Schaffung einer Schule für die Kinder von Du Pont de Nemours erteilt. Wenn man in der Europaschule keine Mühen gescheut hat, um mit dem Sprachenproblem fertig zu werden, dürften wir unsererseits nicht zurückstehen."

⁸⁸ AVL, LU 02.4, 1964-1966_146 (16.7.1965), p. 110.

⁸⁹ The first record dates back to the year 1964: AVL, LU 02.4, 1964-1966_146 (13.7.1964), p. 148. See also AVL, LU 02.4, 1975-1978_149, p. 75. On both occasions, professional development courses were attended at the University of Perugia.

⁹⁰ AVL, LU 02.4, 1971-1974_148 (15.02.1971), p. 90; 1967.1970_147 (14.07.1969), p. 75 (Urbany).

⁹¹ AVL, LU 02.4, 1967.1970_147 (14.07.1969), p. 75 (Urbany): "Sind sie keine Europäer? Natürlich gibt es deren zweierlei. Für die Kinder der europäischen 'Aristokratie' werden 360 Millionen ausgegeben; für die Kinder

The city's education system began to struggle to keep pace with the rapid changes in Luxembourg's social fabric, increasingly shaped by its role as a European hub. The language issue was no longer limited to the traditional French-German divide but had become a much broader challenge, requiring a more dynamic and inclusive approach to language education.

	Portuguese	Italians	Spaniards	Germans	French	Yugoslavs
1969	95	345	80	103	82	N/A
1970	110	680	108	140	103	N/A
1972	154	860	N/A	N/A	N/A	N/A
1973	344	855	N/A	N/A	N/A	N/A
1977	765	807	139	N/A	N/A	48

Fig. 5. Foreign schoolchildren in primary schools of the City of Luxembourg (1969-1977). Source: 1967.1970_147; 1971-1974_148; 1975-1978_149.

In 1970, the Grand Duchy of Luxembourg signed bilateral agreements with both the Republic of Portugal and Yugoslavia,⁹² concerning the recruitment of foreign workers in Luxembourg⁹². At the same time, it was noted in the city council that “up until now, it has been possible to integrate these foreign-language-speaking children, and great efforts are being made to ensure that this will continue to be possible in the future”⁹³. The main issues to be addressed were outlined: one major problem was considered to be the high percentage of foreign children in some classes, in some cases over 50%, which would require the creation of additional classes to manage class sizes in certain schools. Furthermore, two new reception classes were established to help foreign children prepare linguistically. However, staffing remained a challenge as teachers with foreign language skills were needed and language courses were being organised for Italian, Spanish and possibly Portuguese⁹⁴.

der Arbeiter, die das Prunkgebäude bauen, ist es schwer, einen Klassenraum zu finden.”

⁹² Scuto, *Histoire des immigrations*, p. 32.

⁹³ AVL, LU 02.4, 1967.1970_147, p. 156: “Welche Nationalitäten sind am stärksten vertreten?”; “bis jetzt diese fremdsprachigen Kinder noch eingegliedert werden [konnten und] grosse Anstrengungen gemacht [werden], dass es auch in Zukunft möglich sein wird.”

⁹⁴ AVL, LU 02.4, 1967.1970_147, p. 156: “Welche Hauptprobleme sind zu lösen? 1. Es gibt einzelne Klassen, in denen über 50% ausländische Kind-

In the 1973/74 report on school organisation, 1,874 foreign children were counted under the section “the foreign children” (“Die Ausländerkinder”). It was emphasised that the municipal teachers should be given paid leave to attend training or language courses in Portugal or Spain⁹⁵, and that classes with a high proportion of foreign pupils should have fewer children⁹⁶. Over the following years, national guidelines were developed and implemented at the municipal level⁹⁷.

As far as the English language is concerned, no further efforts were made to promote it after the 1950s. This changed briefly in the second half of the 1970s when the 1976 City Council Declaration mandated that every new school building be equipped with an expensive language laboratory, a room specially designed for language learning. These laboratories were not set up to give Portuguese, Spanish or Italian pupils the opportunity to learn French or German, but to teach English (two hours a week)⁹⁸,

er sitzen. Die Effektive dieser Klassen dürfen nicht zu hoch liegen. Um dies zu erreichen, wurden in diesen Schulsektoren mehrere Klassen neu errichtet, besonders für die Kongregationsschule und jene der Straßburgerstraße, die um je zwei Primarschulklassen und einen Kindergarten erweitert wurden. 2. Zu den 8 bestehenden wurden 2 neue Auffangklassen (classes d'accueil) eingerichtet, in denen die fremden Kinder sprachlich auf den Eintritt in eine Normalklasse vorbereitet werden. 3. Es bleibt das Problem der Besetzung dieser Klassen mit Lehrpersonal, das der fremden Sprachen mächtig ist. Zu diesem Zweck wurden italienische und spanische Sprachkurse organisiert; es müsste auch ein portugiesischer Kursus abgehalten werden. 4. Die Anfragen der umliegenden Gemeinden, ihre fremdsprachigen Kinder in die städtischen Schulen zu schicken, können nur dann berücksichtigt werden, wenn es sich um einzelne Kinder handelt und eine prozentuale Unkostenbeteiligung gesichert ist. 5. Um eine rationellere Ausnutzung der didaktischen Hilfsmittel zu erreichen, wurden die Auffangklassen im Aldringergebäude (7 Klassen) und im Limpertsberger Hauptgebäude konzentriert. Für die Anschaffung der notwendigen Lehrmittel und Einrichtungen hat der Unterrichtsminister budgetäre Zuschüsse zugesagt.” In 1972, the funds for learning Italian and Portuguese were increased from 65,000 to 200,000 Luxembourg francs: 1971-1974_148 (15.02.1971), p. 67.

⁹⁵ AVL, LU 02.4, 1975-1978_149 (28.6.1976), p. 115; 1975-1978_149 (6.6.1977), p. 75.

⁹⁶ AVL, LU 02.4, 1975-1978_149 (8.7.1975), p. 95.

⁹⁷ AVL, LU 02.4, 1975-1978_149, p. 124, on weekly hours of Italian in primary school to ease “den italienischen Kindern die Entfremdung.”

⁹⁸ AVL, LU 02.4, 1975-1978_149 (27.6.1977), p. 94.

because “in the situation we find ourselves in today, the knowledge of frequently used foreign languages in Luxembourg is undoubtedly of great benefit”⁹⁹. By 1978, two such laboratories had been established, and by 1981, there were four. The usage and expected success of these facilities did not materialise, and they quickly fell out of favour by the early 1980s¹⁰⁰.

At the same time, in the second half of the 1970s, for the first time, there were fewer Luxembourgers (40%) than foreigners (60%) in primary school education and Alderman Léon Bollen-dorff saw social challenges to come about¹⁰¹. During discussions on the school organisation, reference was also made to an European Council Directive of 25 July 1977, which aimed to provide schooling for the children of migrant workers, allowing them to learn their native language in the host country (77/486/EEC)¹⁰². A first assessment was thus made in 1978:

“A lot has been done for foreign children through the creation of reception classes. These classes have been decentralised, an extra teacher has been hired, and textbooks have been translated into French. Portuguese language courses were offered to the teaching staff, and in addition, teachers took language courses in Italy and Portugal during the summer holidays. A working group was established to examine the burden on children who attend classes in their mother tongue during their afternoons off. Two classes following the French curriculum were set up. In many schools, additional tuition was provided. In classes with a high proportion of foreign pupils, the class size was kept small. We will consider all new proposals on the problem of foreigners.”

In 1979, the teacher responsible for social care, appointed by the city council, reported that while the municipality had made significant efforts to provide schooling for foreign children, the issue remained largely unresolved. Human, social, and economic

⁹⁹ AVL, LU 02.4, 1975-1978_149 (27.6.1977), p. 113 (Nicklaus), citing explicitly the English language.

¹⁰⁰ AVL, LU 02.4, 1975-1978_149 (10.7.1978), p. 137; 1979-1982_150 (6.7.1981), p. 121 (Nicklaus, CSV); 1979-1982_150 (10.7.1981), p. 133.

¹⁰¹ AVL, LU 02.4, 1975-1978_149, p. 93. In the total number of students, foreign students accounted for 38.7% in the academic year 1977/78. See 1975-1978_149 (27.6.1977), p. 113 (Nicklaus, CSV).

¹⁰² <https://eur-lex.europa.eu/legal-content/DE/TXT/HTML/?uri=CELEX:31977L0486>; AVL, LU 02.4, 1975-1978_149 (6.7.1977), p. 113.

considerations would dictate the need to facilitate and encourage the integration of foreigners into the labour market and society¹⁰³.

The aforementioned Commission for foreigners, established the previous year, also presented tangible measures: a social service for foreigners, well informed on issues such as education, housing, career choices, subsidies, sports, and culture, was established. Furthermore, the commission supported the school commission's request to add two hours of Italian language and culture to the curriculum and advocated for the expansion of specialised French tutoring for foreign pupils¹⁰⁴.

The steady increase in the proportion of foreign pupils over the coming years continued to be a recurring theme in the school organisation meetings, as did the social challenges this posed¹⁰⁵.

From 1981 onwards, the Luxembourg Socialist Workers' Party (LSAP) campaigned for the introduction of a French-language section in schools. The party argued that "the proportion of foreign children in our classes has reached a level that forces us to reconsider our approach, both in the interest of foreign and Luxembourgish children"¹⁰⁶. Order can only be maintained if equal consideration is given to both foreigners and Luxembourgers.

In 1982, the challenges and the need for action were again highlighted in the now standard agenda item "Integration of foreign schoolchildren" discussed in school organisation meetings. Alderman Ben Fayot of the LSAP, too, argued that the increasing number of foreign children made it unrealistic to maintain the current structure. He emphasised that for foreign pupils, particularly those from Mediterranean countries, German posed a significant barrier, leading to higher dropout rates. Consequently, Fayot advocated for the establishment of a French-language track within primary schools, with German to be introduced as a foreign language from the fifth year onwards¹⁰⁷. This proposal

¹⁰³ AVL, LU 02.4, 1979-1982_150 (6.7.1979), p. 436.

¹⁰⁴ AVL, LU 02.4, 1979-1982_150 (7.12.1979), p. 551.

¹⁰⁵ AVL, LU 02.4, 1979-1982_150 (7.7.1980), p. 131 (Frieden, CSV).

¹⁰⁶ AVL, LU 02.4, 1979-1982_150 (6.7.1981), p. 124 (Goebbels, LSAP).

¹⁰⁷ AVL, LU 02.4, 1978-1982_150 (5.7.1982), p. 158: "Die Zahl ausländischer Schulkinder, die in unser Schulsystem integriert werden müssen, wächst ständig. Es ist deshalb eine Illusion, zu glauben, wir könnten mit unserem bisherigen Schulsystem ungestört fortfahren. Eine rezente Studie des pädagogischen Instituts hat bewiesen, dass für ausländische Kinder, besonders aus dem Mittelmeer-

was subsequently endorsed, leading to the establishment of a French-language section within the primary education system¹⁰⁸.

In the subsequent year, councillor Robert Goebbels (LSAP) presented a motion to the council, stating that “it is very difficult to navigate this linguistic maze (‘Sprachengewirr’)” and that “foreign children should be given a chance [...] to succeed in our school system”¹⁰⁹. He called upon the municipality, in collaboration with the Ministry of Education and relevant embassies, to translate textbooks into foreign languages. This can be interpreted as a desperate attempt to find local solutions for a national problem that, naturally, manifested earlier in the capital than in the more rural areas: the linguistic diversity of the Luxembourgish school system¹¹⁰.

raum, der Deutschunterricht ein Selektionsmittel ist, so wie für die luxemburgischen Schüler der Französischunterricht ein Selektionsmittel ist. Und weil der Deutschunterricht besonders für kleine Portugiesen, Italiener, Spanier usw. eine fast unüberwindliche Barriere darstellt, findet man einen höheren Prozentsatz dieser Schüler z. B. im Komplementarunterricht, und diese Kinder werden viel öfter ohne nennenswerte Ausbildung ins Arbeitsleben entlassen. Das derzeitige Schulsystem diskriminiert folglich ausländische Schulkinder, so wie die Präsenz von zu vielen Nationalitäten in einer Klasse auch dem Niveau der Schüler nicht förderlich ist, worunter wiederum sowohl ausländische als auch luxemburgische Kinder leiden. Ich habe deshalb schon letztes Jahr dafür plädiert, dass wir im Primarschulunterricht neben dem klassischen Schulweg, in dem der Unterricht vornehmlich in Luxemburgisch und Deutsch erteilt wird, noch eine sogenannte „filière francophone“ einrichten, in welcher der Unterricht vornehmlich in Französisch erteilt wird und wo Deutsch als Fremdsprache z. B. erst ab dem 5. Schuljahr gelehrt wird. Eine solche „filière francophone“ wäre natürlich nur sinnvoll, wenn sie im postprimären Unterricht weitergeführt würde.”

¹⁰⁸ AVL, LU 02.4, 1978-1982_150 (9.7.1982), p. 165.

¹⁰⁹ AVL, LU 02.4, 1983-1986_151 (9.12.1983), p. 202, “Le Conseil Communal, considérant qu’il est d’autant plus difficile pour les élèves étrangers fréquentant nos écoles, et surtout les premières années d’études primaires, de suivre les cours, que souvent leurs parents ne comprennent pas un mot d’allemand et ne peuvent donc pas les aider dans leurs travaux scolaires, invite le collège des bourgmestre et échevins à établir, en collaboration avec le ministère de l’Éducation nationale et éventuellement avec les ambassades des pays concernés, des traductions des principaux manuels scolaires utilisés dans nos écoles dans les langues les plus utilisées par les élèves étrangers.” The motion was discussed again on 19 December [AVL, LU 02.4, 1983-1986_151 (19.12.1983), p. 231], and then not pursued further.

¹¹⁰ Read as a conclusion the commentary published in 1985 by C. Hartmann, *La scolarité des enfants immigrés. Un échec programmé?*, «Ons Stad» 20 (1985), pp. 5-7.

* * *

Urban order and linguistic diversity are intertwined. Urban order refers not only to the physical organisation and governance of urban life, but also to the mechanisms by which social stability, civic participation, and public communication are maintained. In cities like Luxembourg, where several languages meet in daily life, linguistic diversity can pose challenges in terms of communication, access to public services, and social cohesion. On the other hand, it can also act as a tool for negotiation, inclusion, and identity-building. The presence of multiple languages forces municipal decision-makers to take actions, sometimes pragmatic, sometimes symbolic, about how to govern and communicate with their residents. These choices, in turn, shape the degree to which linguistic difference is experienced as a source of division or a facet of coexistence.

At least in political discourse within the walls of the City Council, the city of Luxembourg, between 1862 and 1984, exemplifies a harmonious coexistence of multiple languages, reminiscent of a utopian vision of Babel, where linguistic diversity acts as a unifying rather than divisive force. Barbarians are nowhere to be found.

Linguistic diversity was not seen as a direct threat to social stability. Luxembourg's unique position at the crossroads of French and German cultural and political influences had, by the second half of the 19th century, shaped an urban landscape where multilingualism was institutionalised. Rather, it was seen as a "normal" challenge to be addressed pragmatically, especially given the significant economic implications. However, managing this linguistic diversity was not without its challenges.

In the 19th century, the preference for French in administration and education often clashed with the reality of a predominantly Luxembourgish-speaking population. This led to friction over the accessibility of public information in German, but these tensions were resolved in a practical manner, as there were no strong emotional attachments to either French or German. The emergence of Luxembourgish as a written language and a symbol of national identity in the early 20th century did not significantly alter the linguistic landscape of the city. This likely explains why non-Luxembourgish-speaking residents were not perceived as linguistic "Others" by the city's political leaders – not before the capital became a hub for immigration in the second half of the 20th century, and even afterwards.

However, the post-World War II era introduced new challenges as the city sought to integrate its growing population of Italian, Portuguese, and Spanish immigrants. Language became a crucial element of social cohesion, and the municipal government recognised that successful integration was key to maintaining urban order. While there was no deliberate exclusion based on language, the Luxembourgish bilingual school system presented difficulties, and solutions were sought through trial and error. These solutions were discussed, debated, and ultimately decided upon by the City Council. By the late 1970s and early 1980s, Luxembourg's demographic shift had become undeniable, with Luxembourgers comprising less than half of the primary school population. This spurred calls for structural reforms.

The City Council's efforts to navigate this "linguistic maze" underline the complexities of managing multilingualism in a rapidly evolving urban environment. City authorities have grappled with issues of linguistic parity, the role of Luxembourgish, and the integration of foreign-language-speaking communities, particularly in the post-war period and following the significant waves of immigration. The debates within the City Council reveal that language was often a site of compromise. Integration could not be allowed to fail, as the city was heavily dependent on immigrant labour. In this sense, the experience of the capital of the Grand Duchy offers a valuable case study in understanding how the urban order can be tested by linguistic diversity without being jeopardized, through continuous adaptation and negotiation – a process that was far from complete in the 1980s, the 1990s¹¹¹ or the 2010s¹¹² and continues to this day.

¹¹¹ L. Zuccoli, *L'école luxembourgeoise et les enfants étrangers*, «Ons Stad» 55 (1997), pp. 18-19.

¹¹² I. de Saint-Georges, *Le défi de l'enseignement trilingue dans nos écoles fondamentales*, in : «Ons Stad» 113 (2016), pp. 30-31.

Annex 1: Excerpt from the City Council meetings of 12 and 19 June 1926
Language disputes: balancing French and Luxembourgish
AVL, LU 02.4, 1926_120.1., p. 41-42; 49.

12. Juni 1926

Hr. Jacoby. Herr Kohner und ich hatten das letzte Mal verlangt, daß die Frage der Verhandlungssprache auf die heutige Tagesordnung kommen sollte. Das ist nicht geschehen, ich verlange Erklärungen. Wenn wir hier nichts zu sagen haben, bleiben wir lieber zuhaus.

Hr. Bellion. Damit bin ich einverstanden.

Hr. Kohner. In unseren alten Gemeinderäten von Hollerich, Hamm und Rollingergrund haben wir, wie sonst überall unsere Muttersprache geredet. Kürzlich wurde noch unser Volksdichter verherrlicht. Wir schämen uns unserer Nationalität nicht. Es gibt bei uns eine Menge Leute, die das Französische verstehen, aber sich nicht darin ausdrücken können. Wenn es übrigens so schnell geht, wie hier, findet sich nicht jeder zurecht. Wenn es so weitergeht, so sind bei den Wahlen die im Nachteil, die das Französische nicht beherrschen. Ich verstehe heute, warum bis jetzt die Vorstädte in Ihrem Gemeinderat nicht vertreten waren. Die Leute dort verstehen wohl Französisch, aber sie sprechen es nicht geläufig, darum bleiben sie lieber draußen. Es wäre übrigens aus besser, wenn vor Gericht luxemburgisch gesprochen würde, dann käme es nicht vor, daß jemand verurteilt wird, ohne zu wissen, warum. Wenn es so weiter geht, kommen wir von draußen nicht mehr in die Sitzungen. Von uns neun Hammer Gemeinderatsmitgliedern verstehen ein paar Französisch, die andern nicht ein Wort. Und so ist es auch mit den Kollegen aus Rollingergrund. Das ist keine Schande, wir haben das Französische in den Schulen nicht gepflegt. Ich beantrage für unsere Gemeinde einen obligatorischen französischen Kursus, damit die jungen Leute dort etwas lernen. (Unterbrechungen.) Wir verlangen hier unser Recht. Wir sind nicht hierher gekommen...

Hr. Jacoby. Um tyrannisiert zu werden.

Hr. Bürgermeister. Solange ich Bürgermeister bin, verschwindet das Französische nicht aus der Leitung der Debatten.

Hr. Jacoby. Darüber hat der Gemeinderat zu verfügen.

Hr. Bürgermeister. Das ist meine Sache. Ich sehe nicht ein, warum Sie die andern zwingen wollen, luxemburgisch zu reden.

Hr. Jacoby. Unserer Sprache zu Ehren. (Unterbrechungen.)

Hr. Bürgermeister. Die Herren, die hier französische reden, geben sich ja die Mühe, für ihre Kollegen das Gesagte auf luxemburgisch zu wiederholen. Die einzig richtige Lösung ist die, daß jeder spricht, wie es ihm paßt, aber für die Leitung der Debatten behalten wir das Französische bei.

Hr. Geschwind. Dann wollen wir abstimmen.

Hr. Stümper. Das ist nicht nötig.

Hr. Welter. Doch!

Hr. Kohner. Wir lassen uns nicht tyrannisieren.

Hr. Knaff. Lassen Sie jeden französisch reden der will.

Hr. Welter. Warum haben Sie dem Herrn Bürgermeister vorhin nicht gesagt, er soll mich reden lassen. (Unterbrechungen.)

Hr. Probst. Sie sehen, wohin es führt, wenn sie hier Platt zu reden anfangen. Allen Respekt für ihre Sprachen. Sehen wir zu, daß wir gute Luxemburger bleiben, aber in allen Lebenslagen muß ein Decorum gewahrt bleiben....

Hr. Jacoby. In wieviel Gemeinderäten wird luxemburgisch gesprochen!

Hr. Stümper. Diese Debatten sind überflüssig, nach Verfassung und Gesetz ist das Französische die Amtssprache, und niemand darf am Gebrauch des Französischen gehindert werden. Wir sind hier, um uns zu verständigen und nicht um uns Knüppel in die Räder zu stecken.

Hr. Kohner. Um uns zu verstehen, dazu müssen eben alle französisch verstehen.

Hr. Knaff. Alle verstehen es.

Hr. Probst. Wer sich übrigens nicht auf Französisch verständlich machen kann, gibt sich ein Armutsgeständnis. Wir sind alle wenigstens in die Primärschule gegangen und wer ein öffentliches Amt ausüben will, muss dazu imstande sein.

Hr. Knaff. Es ist niemand hier, der nicht französisch versteht.

Hr. Probst. Wer es nicht versteht, für den wird übersetzt. Aber es ist traurig, daß wir im obligatorischen Unterricht das Französische als Pflichtfach haben und daß jemand, der sich in einen Gemeinderat wählen lässt, nicht Französisch genug kann, um sich an den Verhandlungen zu beteiligen.

Hr. Jacoby. Es handelt sich nicht darum, ob man das Französische versteht, sondern um die Ehre der Muttersprache.

Hr. Probst. Wir achten und ehren unsere luxemburgische Muttersprache, sogar höher als Sie.

Hr. Soupert. Er glaubt, er ist hier der Luxemburger.
[...]

19. Juni 1926

Hr. Grosber. Ich habe aus dem Bericht ersehen, daß in der letzten Sitzung Bemerkungen auf französisch gegens uns gefallen sind, die wir nicht verstanden, gegen die ich aber heute aufs energischste protestieren will. Hr. Probst sagte damals, für die, die kein Französisch verstehen, werde alles übersetzt; das kann ich nicht durchgehen lassen.

Hr. Probst. Ich sagte, es sei traurig, daß ein Luxemburger nicht Französisch versteht, und dabei bleibe ich.

Hr. Grosber. Wir protestieren.

Hr. Soupert. Sie hätten in der Sitzung protestieren sollen.

Hr. Grosber. Von jemanden, der nur in unseren Primärschulen und nachher 18 Jahre bei einer deutschen Verwaltung war, können Sie nicht verlangen, daß er französisch spricht. Es ist auch nicht wahr, daß jeder luxemburger Arbeiter französisch versteht und spricht. Ich kenne die Arbeiterverhältnisse, ich bin selber Arbeiter. Wir wurden als Einfaltspinsel hingestellt. Wir sind nicht hier, um uns ausspotten zu lassen, sondern um die Gemeindeinteressen zu vertreten. Wir wollen keine Opposition machen, aber wir lassen uns auch nicht von Hrn. Probst oder andern verspotten.

Hr. Probst. Niemand verspottet Sie. Dem, der Ihnen das gesagt hat, hätten Sie antworten sollen, daß gerade er Sie zum Besten hatte. Ich wiederhole, es ist traurig, daß in unserem Land, wo das Französische als Pflichtfach Jahre lang in den Schulen gelehrt wird, nicht jedermann französisch versteht. Ich sage nicht, daß es Ihre Schuld ist, aber es ist traurig.

Hr. Durhagen. Wir verstehen es schon, aber wir sind nicht fix genug, um auf französisch zu antworten.

Hr. Probst. Sie können ja auf luxemburgisch antworten. Ich sage nur, es ist traurig.

Hr. Geschwind. Gewiß; aber auf dem Dorf versteht man eben nicht französisch.

Hr. Grosber. Kann irgend jemand französisch sprechen, wenn er aus der Primärschule kommt?

Hr. Keiffer. Heute, jawohl.

Hr. Grosber. Als Oberinspektor müssen Sie wissen, daß das nicht wahr ist.

Hr. Keiffer. Doch, der französische Unterricht, der heute ja sieben Jahre dauert, wird zurzeit praktischer erteilt, so daß jeder antworten kann, wenn er auf französisch gefragt wird.

Hr. Grosber. Nein, ich bleibe dabei.

Hr. Stümper. Ich glaube, draußen ist man allgemein der Meinung, es werde hier nur französisch gesprochen.

Hr. Grosber. Das wollten die Herren.

Hr. Stümper. Nein, der einzige, der hier bis jetzt französisch gesprochen hat, war der Herr Bürgermeister, und er hat immer das Gesagte direkt auf luxemburgisch wiederholt. Ich halte darauf, daß das im Bericht festgestellt wird.

Hr. Grosber. Aber wir mußten erst reklamieren.

Hr. Stümper. Nein, so war es von Anfang an. (Unterbrechungen.)

Hr. Probst. Mit dem luxemburger Platt kommen wir so weit, wie ich es gesagt habe.

Hr. Feyden. Wir sind schon so weit.

Hr. Probst. Ich beantrage, wir verlegen den Gemeinderat nach Siebenbrunnen.

Hr. Stümper. Jeder, der luxemburgisch sprechen wollte, ist noch immer zu Wort gekommen, und alles, was hier auf französisch gesagt wurde, wurde nachher auf luxemburgisch wiederholt. Was wollen Sie mehr?

Hr. Grosber. Weil wir reklamiert haben. (Widerspruch. Unterbrechungen.)

MARIAVALERIA MININNI

Matera, an urban story still to be told

Abstract: After the Second World War, the town of Matera – previously described as a national disgrace – became an interesting case study, an arena where the most innovative urbanistic theories were discussed, such as the concept of regional planning that had been experimented and had given some interesting results in some areas of North America; a place where politicians sat conferred with town planners, architects, anthropologists, economists, agronomists, arousing reflection among writers and photographers throughout the world in order to create the meeting point between reality and utopia. An urban story still to be told, useful for reflecting on the transformations that are affecting contemporaneity and the value of the transformations that are affecting cities, citizens, and their ways of inhabiting them.

Keywords: Modern town planning; Matera; Urban Form; Cultural Policies.

Matera, made famous by the publication of the book “Christ stopped at Eboli”¹ in 1949, became a central focus of cultural debates from the 1950s onwards. As Italy moved toward modernity, Matera emerged as a symbol within the broader discourse of the Great Reconstruction, prompting a critical examination of the contrast between Southern Italy and the ideals of modern progress². This was a place where experimentation thrived, in a town under the spotlight of urban potential. It was a city just beginning to grapple with the process of realigning the relations among space, economics and society. Thanks to the intervention

¹ C. Levi, *Cristo si è fermato ad Eboli*, Torino 1945.

² R. Giura Longo, *La Basilicata moderna e contemporanea*, Napoli 1992; A. Pontrandolfi, *La vergogna cancellata. Matera negli anni dello sfollamento dei Sassi*, Matera 2002; N. Mazzocchi Alemanni, *Piano Generale di Bonifica e direttive della trasformazione fondiaria*, Matera 1955; R. Musatti - F. G. Friedmann - G. Isnardi - F. Nitti - T. Tentori, *Matera Radiografia di una città del sud tra antico e moderno*, Matera 1996; M. Rossi Doria, *Scritti sul Mezzogiorno*, Torino 1982; F. Bilò - E. Vadini, *Matera e Adriano Olivetti. Conversazioni con Albino Sacco e Leonardo Sacco*, Roma 2013.

of Adriano Olivetti³, it became the scene of a large-scale political reformist project that placed this small, unforgotten town of Southern Italy at the heart of a national and international discussion. After the Second World War, the town of Matera – previously described as a national disgrace – became an arena where innovative urban theories were discussed, such as the concept of regional planning that had been experimented with and obtained some interesting results in some parts of North America. Matera was a place where politicians engaged with town planners, architects, anthropologists, economists, and agronomists, arousing reflection among writers and photographers worldwide, as they sought to create the meeting point between reality and utopia. A reality could lead to a change in sensibility.

As Walter Benjamin would say, a space that seemed abandoned and where «it is as if everything that should really happen there, has already passed by», and that unexpectedly reserves «the power to let the future be investigated»⁴. By distorting a destiny in which the future seemed suspended, the history of Matera, without seeking to compensate for it or redeem it, offered a unique vantage point for exploring the complexities of modernity.

In the space of forty years the Sassi, has undergone a remarkable transformation within the broader rethinking and updating of the concept of heritage. It has gone from being a source of national shame to a model for the rehabilitation of historical centres. This was made possible thanks to a state law, along with substantial public funding in the early seventies. This culminated in an international competition which led the Sassi in 1993 to be recognised as a UNESCO site, completing a long process of re-evaluation of their historical, artistic and anthropological significance.

Following this recognition, Matera became a profoundly symbolic place, which held significance for other cultures seeking to reflect on the possibilities the town offered, as a space where town planning and architecture, anthropology and ter-

³ A. Olivetti, *Il cammino della Comunità*, «Comunità» (1959), pp. 23-27.

⁴ W. Benjamin, *Infanzia berlinese intorno al millenovecento*, Torino 2007 (ed. or., 1942); V. Padiglione, *Luogo profetico*, «Antropologia Museale», 34-36 (2013-2014).

ritorial and agrarian sciences all converged⁵. It would become a town where new ideas would be tested as the nation was quickly moving towards modernisation, albeit unwittingly.

The portrayal of Matera and of Basilicata by intellectuals, writers, poets, artists, photographers, helped mobilize ideas and projects. Starting from the Sassi, where the population still lived, side by side with modernity in cave houses, the significance of the area was shaped by multiple perspectives: the 'archaic peace' of rural life, stark images of unheard-of poverty, a place steeped in symbolic values, a dense space of historical and artistic testimonies, and an anthropological and cultural centre. These images shaped and influenced each other and characterised the various different interpretations of the label 'laboratory city' that Matera had assumed: a laboratory of the modern (the experiment of the Piccinato Plan and of the architectural competitions for the new quarters), an anthropological laboratory (a label applied to Matera, but also to the whole of the Basilicata), and a socio-territorial laboratory (the urban and socio-economic reformism of Adriano Olivetti). Matera was also a laboratory for individual intellectuals, who found in the city the ideal setting for artistic experiments and practices, shaped by the particular conditions of 'marginality'. First and foremost, in Pasolini's anachronistic Jerusalem in *The Gospel According to St. Matthen*, where the inhabitants of the Sassi emerged as the only inheritors of his universal message. Matera as a *laboratory of marginality*, where being on the margin was not always viewed negatively.

The problems that Matera faced were transformed and shifted from a cultural dimension to a political issue.

Thus Matera became the experimental laboratory for the plan, enacted only a short time beforehand, thanks to the urban laws regulating the construction process of a country that was extremely scarce in housing and infrastructures, above all in the Southern regions. The development plan of the town, entrusted to Luigi Piccinato (1953-56)⁶, aimed to reignite a debate of the cultural climate at the time, by experimenting with new ideas deriving from this Southern Italian town which could offer the

⁵ E. De Martino, *Sud e magia*, cur. F. Dei, A. Fanelli, Roma 2015.

⁶ M. Fabbri, *Il piano regolatore di Matera di Luigi Piccinato*, in F. Malusardi, *Luigi Piccinato e l'urbanistica moderna*, Roma 1993; C. Aymonino, *Mito e realtà, «Casabella-Continuità», 231 (1959), p. 8.*

country a new model of urban growth for nuclear and discontinuous models. This model included creating new centralities outside the existing town, the development of new urban areas with well-developed architecture, combined with an innovative town model, that would be constructed according to new urban planning regulations. The plan would highlight the dynamic layout of Matera and the surrounding hills, while also enhancing the green areas. The town parks would be used to both highlight and conserve the hilly slopes, while also imparting a sense of grandeur to the newly constructed areas by intersecting them with large tree-lined avenues⁷. In other words, in the new town there would be a dialogue between the nature and the built environment, an experiment which was also being carried out in other European towns. As such, Matera earned its rightful place in the most prestigious architectural journals of the time. The work that was being carried out also benefited from urban studies carried out by groups from other fields who engaged with the rich debate that was taking place in the town, as well as the growing public consciousness, which engaged a greater audience than just experts and professionals. The analyses carried out on the living conditions, inspired by Geddes's social survey and by the study of the various types of houses in the Sassi, put forth the possibility of evacuation, recovery and re-allocation of the dwellings of the Sassi. The hope, albeit naive, was to transfer and preserve, together with the inhabitants, and also the social and symbolic bonds of the Vicinato⁸ (the old living quarters of the Sassi). This would be done by studying the spaces available and turning them into zones of interaction in the new built-up areas, thus opposing the impersonalisation of space that was occurring in other urban areas.

The new areas were conceived using poetic proposals put forward by young and upcoming architects such as Ludovico Quaroni, Carlo Aymonino, Giancarlo De Carlo, Federico Gorio and Mario Fiorentino, as well as with plans developed by local competent professionals. All these ideas were evaluated reviewed against the most advanced architectural debates. In a short time numerous houses were built, allowing for the evaluation of var-

⁷ Tafuri, *Un contributo alla comprensione della vicenda storica dei Sassi*, in collaborazione con A. Restucci, Matera 1974.

⁸ L. De Rita, *Il vicinato come gruppo*, «Centro sociale», 1 (1955).

ious new urban ideas; these included rural housing schemes and villages, creating new infrastructures within the town and in the countryside, while putting forward a strong and ambitious cultural message aimed at exploring the South of Italy. Thus the idea of a new town put forth a civil living model that also extended to the surrounding countryside.

Therefore, in Matera, culture seeped into the town and social life. Discussions centered on the notion of space as a means for social emancipation, generating interest and thought in the town and the surrounding territory. These discussions integrated local and cultural debates with new ideas from further afield; They drew on local and contextual knowledge, derived from a strong awareness of the place which did not embrace modernity outright but also did not hinder it. In this way, the goal was to develop a project that would resonate with the broader cultural vision, which was encouraged by inviting professionals to contemplate new ideas and economies that supported the identity of the town while at the same time fostering new urban space.⁹

Matera, an investigation of the conditions in the Modern age between space and the town population⁽¹⁰⁾. «Technical success based on solid planning» Aymonino said without delay, that will however not have any bearing on the population's income levels or the quality of their life⁽¹¹⁾. But this will not prevent an expression of deep trust in «the teaching virtue of good architecture» remembering the words of Riccardo Musatti as he commemorated the premature death of Ettore Stella, a competent and promising local architect¹².

Leaving aside the detailed analyses that had proposed diverse uses of the Sassi, a swift course of action was chosen, which

⁹ E. N. Rogers, *Introduzione a Federico Gorio ne Il villaggio La Martella*, «Casabella-Continuità», 200 (1954), p. 31; F. Gorio, *Il Villaggio La Martella. Autocritica*, «Casabella-Continuità», 200 (1954), pp. 31-38; G. De Carlo, *A proposito della Martella*, «Casabella-Continuità», 200 (1954).

¹⁰ L. Mazza, *Spazio e cittadinanza*, Roma 2015.

¹¹ A. Restucci, *Matera, I Sassi*, Torino 1991; C. D. Fonseca - R. Demetrio - G. Guadagno, *Matera*, Bari 1998; A. Restucci, *Città e Mezzogiorno: Matera dagli anni '50 al concorso sui 'Sassi'*, «Casabella», 428 (1977); L. Piccinato, *Matera: i Sassi i nuovi borghi e il Piano regolatore*, «Urbanistica», 15-16 (1955); Fabbri, *Il piano regolatore* cit.; L. Rota, *Matera. Storia di una città*, Matera 2011.

¹² *Ettore Stella (1915-1951). Modernità ai margini*, cur. L. Acito, Milano 2011.

would allow the construction of new housing areas to be completed within the space of just a few years.

In the 1970s, the relentless degradation of the Sassi, as a result of the evacuation, and the collapse of the Agrarian Reform was evident. This was in part caused by the weakening of the rural movements, the lack of infrastructure in the countryside and the failure to allocate agricultural quotas to houses, which led to a reduced peasant population with decreased bargaining power. During all of this, it was largely overlooked that the town was already heading in a different direction, towards the process of industrialisation.

Matera, along with the rest of the peasant world would increasingly experience the traumatic change to modernity. However this push towards contemporaneity would bring with it disruptions and problems¹³.

As a result, Matera as the urban laboratory declined and the town receded once again into the anonymity of a small, provincial, inland town of Southern Italy.

The Sassi underwent a process of degradation and abandonment. Yet despite a local policy of apathy and indifference, it once again hit the headlines thanks to an international contest (held in 1974). The results of this competition would come to be regarded as one of the most significant examples of historical town re-development among Italian cities. Thus a cultural, not only architectural, awareness spread throughout the town. In addition, both foreign and Italian architects and artists studied Matera and its historic centre, encouraging critical discussions and reflections. The nomination of the Sassi as a UNESCO world heritage site in 1993 finally brought international fame. Matera was set to become an open-air museum, an athenaeum on a town scale, a destination for national and international tourism.

This is a story known to all, as are the results and the consequent reshaping of this experience that followed. It demonstrated that the concept of community functioned as a form of regressive utopia, in contrast to the anonymity of the metropolis – issues that were already beginning to be addressed elsewhere.

¹³ B. Huet, *La città come spazio abitabile*, «Lotus», 41 (1984); F. Choay, *Pour une anthropologie de l'espace*, Paris 2006; M. Mininni, *I lasciti del progetto del Moderno a Matera*, in *Do.Co.Mo.Mo. 9x100=900*, cur. A. Pagliuca, M. Saito, Roma 2019.

The failure to incorporate the disintegrated farming culture at a town level¹⁴, combined with the excessive populism, masked the deep contradictions that emerged from the political project, the urban plan and agrarian disputes. And while investments were being made in agriculture, the town was heading in another direction.

Reflecting on Matera as urban scholars does not mean ignoring the complexities and contradictions of this experience, but neither does involve it putting the town on a pedestal or viewing it through the lens of nostalgia. It does not mean downplaying the common criticisms, simply due to the fact that what followed was decidedly worse. Rather we must acknowledge that what occurred, not only in Matera but also elsewhere in Italy, failed to achieve an innovative Italian route despite the opportunities that came about with the reconstruction of the town during the post-war period¹⁵.

The recent history of the reconstruction in Matera is no different from that of many other Italian towns: expansive changes, that were subjected to numerous modifications, that resulted in decreased clarity of the original urban project. Matera became a town full of houses. Despite the high quality plans, and the attempts to preserve the surrounding areas, as well as the effort to protect the relationship between the town limits and the countryside, and a plan to safeguard the territorial and cultural heritage, Matera has, over the last 30 years, expanded into a large suburban basin. This has weakened the impact of the Piccinato project, reshaping the structural values of the natural features that the project had attributed to the three hilly areas of the town. The result is there for all to see: suburban areas lacking in quality¹⁶.

The image that is conveyed by Matera nowadays is a town of deep contrast, disrupting and distorting the temporal and spatial dimensions of this contrast. The Sassi, once thought of as

¹⁴ Restucci, *Matera, I Sassi* cit.

¹⁵ B. Secchi, *I quartieri INA Casa e la costruzione della città contemporanea*, in P. Di Biagi, *La grande ricostruzione. Il Piano INA casa e l'Italia degli anni '50*, Roma 2001.

¹⁶ C. Dicillo, *La vicenda materana dei quartieri e di borghi come dispositivi storico geografici per una politica agrourbana*, Dottorato Internazionale di Ricerca Architecture and Urban Phenomenology, ciclo XXIV, UNIBAS 2012-2013.

inadequate – something to be hidden by the functional centre of the Piano – has been over-exposed by the media. It is a compendium of the ideas of heritage, a permanent nativity scene; it is the most dynamic, yet also the most rigid and unchangeable, part of the town. On the other hand, the town has an extensive suburban area, comprised of various levels, and vast peripheral areas thanks to public investment programs. These were built to address the evacuation of the Sassi, from which these suburbs are so distant¹⁷.

This is a suburban area, which also functions as a storage area for materials belonging to an important period of urban history. It contains housing schemes which encircle the evacuated areas in fragmented quarters, becoming a suburb within another suburb, a place where only those who live there go. It is a suburban area that is continually under construction, where the new houses – built for a population that does not grow in numbers – fill the voids and occupy all remaining spaces, covering slopes and hills and obscuring the features of the territory that the Piccinato project had tried to protect and highlight.

These housing schemes which conformed to rules of modern zoning, detracted from the thousand-year-old rupestrian history that was, an integral part of the rugged landscape, as can be seen from the beautiful photos that are attached. The suburbs are no longer houses that emerged from the countryside as depicted in the old, black and white photos of Matera, houses which aimed at living in a civil manner, standing proudly on the hilly slopes and offering views of the horizon. We would never have described those houses as just “taking up space”.

«A place exists only if people speak about it» meaning that space is above all used by those who live there, it is shaped by the practices and interactions that occur within it. A place begins to exist in the imagination of those who live there and places are given names when they represent something to those that experience them. In other words, places do not exist if they do not represent those who live there.

These suburbs are the new Sassi. They aim to be part of the town's narrative.. Yet they also need revitalization along with a

¹⁷ Gruppo «Il Politecnico», *Una città meridionale tra sviluppo e sottosviluppo. Rapporto su Matera*, Matera 1971; nuova ed. cur. G. D'Alessandro, Matera 2016.

renewed awareness of space which prioritizes the green areas, the town and the surrounding territory.

The recent spatial socio-economic history of Matera is no different from that of many Italian cities, following the end of the 'Matera urban laboratory'. As with many other cities, there were hopes for an entrepreneurial future. However, the Padua, Quinto and Mulino Alvino pasta factories closed, swallowed up by Barilla. While along the route of the Matera-Altamura reunification, a variant of the Piccanto Plan Prg/73, what was once an entrepreneurial dream of a rural capital, abandoned its direction. Instead of heading towards Potenza, it shifted towards Bari and Puglia, creating a market-highway with extensive areas of industrial and commercial sites in Borgo Venusio. The worksites started with what remains one of the main economic activities of the city, construction. Thus, Matera consolidated its character as a dual city, composed of juxtaposed cities that do not look towards each other¹⁸.

With regard to the socio-economic configuration in 2001, employment was moving decisively towards manufacturing activities: food, furniture and the metal industry were still the main productive activities, even if local activities and workers had declined in the most recent years. Some businesses were introducing product innovations and seeking new markets, and they positioned themselves as heritage custodians which was necessary for the micro enterprises operating in the composite world of the cultural and creative industries¹⁹. Together with tourism services, already 11% of the employment sector by 2011, the tourism-cultural-creative sector is set to become one of, if not the, main productive specialisations of the city of Matera. The city is also an academic seat of the University of Basilicata, born as a proactive response to the great earthquake that hit the region (in November 1980). It offers training which is strongly anchored in the values of architecture, the environment and heritage. One cannot help but notice the advantages and disadvantages of the area ; on the one hand it has a low population density and a diminishing proportion of younger age groups, as well as a

¹⁸ L. Quaroni, *Pianificare senza urbanisti*, «Casabella-Continuità», 201 (1954); M. Fabbri, *La paura degli urbanisti*, «Basilicata», 22 (1954).

¹⁹ M. Mininni - M. Favia - S. Bisciglia - C. Dicillo, *Una nuova frontiera? Prime riflessioni*, «Urban@it», 1 (2015).

lack of infrastructure; yet there is a low crime rate in the city and the region, and a modest scale of poverty.

Matera was named as the European City of Culture in 2019²⁰, taking on the challenge that this accolade represents for a medium-sized town in the South of Italy. This marked the re-launching of a renewed cultural policy where the presence of a regional university can play a vital role. Today the town has a greater possibility of carrying out the objectives of the “Matera-Basilicata 2019” legacy in order to strengthen the position of Matera and the standing of the region of Basilicata, at a European level in the creativity sector, laying the foundation for a cultural platform for Southern Europe. For example, the municipality institution and the Materan citizens could offer a politics and policies workshop. Such a program could be used to examine the role of a medium-sized town in Europe today, especially a town whose values are under scrutiny against the powers of the metropolis and post-metropolis.,

The University of Basilicata in Matera Campus guarantees research and training, to produce a consciousness that is both useful and useable. In addition, the regional university is committed to tackling important social problems, making it the only institution capable of engaging with the complex and rapid changes that the town of Matera and its inhabitants had to deal with in order to take their place in contemporary life²¹. In the future, the university will have to take on four major challenges as an anchor institution, or rather as an institution that is geographically integrated and commissioned by the Matera 2019 process; these are : research, training, relations with the territory and its institutions, and social responsibility. For the region of Basilicata, this last challenge means promoting its human capital to create new professional figures for the 21st century: giving the youth of this region not just an appealing university, but also the chance to participate in this project. In other words, not restricting them but on the contrary, giving them opportunities to excel

²⁰ M. Mininni, *Osservare Matera. Cultura cittadinanza e spazio*, Macerata 2021; Ead., *Grandi eventi, cultura e Università: Matera 2019 tra making place e selling place*, «EYESREG», 5, 2 (2015).

²¹ M. Mininni, *La cultura come azione politica primaria nel governo della città*, in V. Fedeli (cur.), *Mind the gap. Il distacco tra politiche e città*, Bologna 2018, pp. 227-235.

out in the world, but at the same time giving them, and many others, a real opportunity in the future to return home.

It's a legitimate concern for Matera, given how communication strategies and policies can dissipate leaving only mass tourism as a result²². Meanwhile, the over-exposure of the Sassi – once again reduced to fantasies of the picturesque and the vernacular – serving as the backdrop to every initiative to be undertaken, or as surreal places for luxury stays, obscures the historical story of the city, the complexity of the urban fabric and the unique connection between Matera and the region from which it takes its strength. It is often forgotten that Matera, located in a communal region that is among one of the largest in Italy, with two parks and four protected areas (about 8,300 hectares), which overlooks the breathtaking panorama of the Parco della Murgia Materana and, beyond, is a regional territory which is all one huge park. Matera is a *territory-city*, a gateway to a hidden 'internity', overlooking the Ionian from which the Pollino and Appennino can be seen. It is a hub of the Murgian polycentric system, together with Altramura and Gravina. Matera is a *park-city* because it serves as the link between regional and inter-regional parks, with 30% of the territory having a high natural value, ranking second in Italy in terms of scale.

The existence of substantial funds collected for the 'Matera 2019' project, and the recent PNRR could give the urban agenda new life, and could restart projects that have been paused for a long time, such as strengthening the cultural infrastructure (via new cultural containers and modernisation of the existing ones) and upgrading the city (with new urban centres and regeneration of the surrounding areas.)

Matera, the only provincial capital not linked to the national railway network, is working to improve its connections, by road with Bari-Altamura, thanks to the doubling of the SS 96, and by rail with the enhancement of the service to and from Bari, Potenza and other neighbouring centres in Lucano via the Ferrovie Appulo-Lucane (Appulo-Lucano Railway). This will help reduce journey times between Bari and Matera (from the current

²² P. Bevilacqua, *La storia, sapere delle trasformazioni nel tempo*, in L. D'Antone - M. Petruszewicz (cur.), *La storia, le trasformazioni. Piero Bevilacqua e la critica del presente*, Roma 2015.

95 minutes to an envisaged 59 minutes) thanks to an improvement in the capacity limits on that section.

The scope of this connection will have far reaching consequences for relations between the Bari metropolitan area and Matera and its nearby and more distant territories.

For the Matera area, the integration with the Bari metropolitan basin is crucial, above all in order to improve accessibility; at the same time Bari could garner, through the strong appeal of Matera, meanings and values from its internal areas, and reinterpret and exploit the complexity of its Murgian 'inland'.

Matera's ecosystem is alive but still underdeveloped. For it to grow a shift in the mindset of business and administrative culture is essential, so as to ensure that public financing leads to a transformation in practices and mindset, grounded in collaboration. The ongoing debate is very rich; the professional and cultural profile of those who feature in it is high.

This is perhaps also a good opportunity to update the ways of governing cities involved in important events. The Expo and post-Expo of Milan is not the only possible formula for a city's success. Other models could be developed and proposed for the whole country, because the ultimate goal should be to explore the possibility that culture may be a constructive factor in new competencies and mentalities; and whether all this, then, is able to contribute in a significant manner to improving people's lives²³.

²³ M. Mininni, *Matera*, in G. Viesti - B. Simili (cur.), *Viaggio in Italia. Racconto di un paese difficile e bellissimo*, Bologna 2018, pp. 67-88.

MARTINA STERCKEN

Urban order. Closing remarks

By focusing on order, the past four conferences of the International Commission for the History of Towns (ICHT) have centered on a phenomenon that is challenging to define – yet ever-present. Order is generally understood as the opposite of chaos, confusion, lack of rules and anarchy, as a term that implies shape and organisation no matter the context. It is a fundamental aspect when it comes to the perception of the world, which is understood as a process that orders everything in some way.

Particularly scientific work deals with order: it is the goal of assessing all kinds of subjects and at the same time it can be the object of research. In our discipline, history, order has always been a topic of interest; it has become, however, a more important issue in the past decades. This new concern about order is due to a fundamental shift in the historical interests. While in former times discernible structures and principles of social order were in the foreground, for some time now, scholars have explored the processes and practices that have enabled and influenced their formation.

In this discussion, the European city – a complex form of social order that has been taking shape since the High Middle Ages – did not play a significant role so far: This is one reason why the ICHT has focused on urban order. Another reason is related to the far-reaching current change visible in towns and cities but also in the settlement network. The part cities play as central places has altered – for instance with the increasing dependence of urban development on the global flows of economics. And at the same time cities and towns have experienced change, for example with the buying behaviour following digitalization or with increased immigration and its consequence for integration.

At the ICHT conferences urban historians have opened up a broad temporal and spatial perspective and tried to order mul-

tifarious observations on urban order. They have discussed it on different levels: on the one hand towns and cities as entities within superordinate systems of order were studied and on the other, they were analysed each as a system of order composed of many parts.

The focus was primarily on pre-modern situations, namely on the conditions that enabled the development of cities as a complex social order, and on the many forms that allowed to develop, shape, communicate and reflect upon ideas of the city as a symbol of order. In Split (2021), Ireland (2022), Jasi (2023) and Matera (2024) different, but in many ways interlocking key-aspects were explored. Individuals and groups were discussed that have played a major part in establishing, changing or challenging urban order. The impact crises had on the settlement hierarchy of countries and even more on the order of cities and towns themselves has been another important matter of our discussions. Scholars considered the ways in which urban order was mediated, and analysed pragmatic tradition and artefacts that convey ideas of an ordered society. They also examined moments in which the individual characteristics of urban order were discussed and negotiated in both pragmatic and theoretical contexts.

In the following, it cannot and will not be a question of recalling all the many contributions in detail on examples ranging from the Baltic to the Mediterranean and from the British Isles and Ireland to Romania in a broad temporal perspective. Rather, I would like to share some observations that draw attention to situations in history when something as abstract as urban order is made the subject of thought or the motive of action. The focus will be particularly on moments in which urban order is negotiated in the urban society, and on the ways and means of how urban order has been made visible. Along with more recent research in urban history, the focus is not on fixed structures, but on the diverse components and processes that have shaped the urban order.

Conveying urban order

With the growing interest of historical research into the formation of structures in history, it becomes clear what signifi-

cance historical tradition of many kinds can have in conveying ideas of order. Their production is understood as a moment in which certain ideas are put in order, launched, disseminated, and remembered. The ways of how they convey order are analysed, and their potential to have an effect is assessed.

Such instruments of fixing order have become increasingly elaborate from the beginning of the European cities to our digital age. Particularly the Middle Ages have played a significant part in the ICHT's discussions. As a medievalist I argue that this was a crucial period in Europe for exploring means to exhibit urban order, each with a different reach.

And our conferences have explored these instruments, that were created to highlight the peculiarities of cities as a new way of living and to fix the rules for living together. These include pictorial representations that integrate earthly cities into the Christian world order and visualize them as an ideal community in terms of architecture and society. Such ideas, which conceptualize the Heavenly Jerusalem as the ideal order of the Christian society and contrast it with the earthly Babylon, were initially the subject of clerical reflection, but with the development of the urban system, they increasingly found their way into the civic repertoire. This can be seen, for example, with seals, which refer to the city as a place of special order based in salvific history, both visually and through inscriptions, and which at the same time, attached to documents, attest to moments in which urban order is established.

Pragmatic writing produced during the formation of cities record concepts of the communal order, however, they never encompass every concern of the urban society, and they were always a work in progress. This has been shown when dealing with medieval city-rights. In many cases adopted from other cities – they only provide a basic order, and do not necessarily record the current situation within the city walls.

Additionally, all kinds of writing was produced which contained regulations of individual urban matters, such as the duties of the town government and the citizens, the conditions of immigration, the execution of crafts, or offences against the city law. Together with other records, they increasingly reveal the main principles of the civic government, which is above all, the obligation to provide for the common good. At the same time, groups and institutions in the city developed and put down in

writing their own rules, which may have been in a tense relationship with the overarching order.

While initially clerical scholars wrote about the earthly communities as in contrast to the Christian ideal and connoted them with chaos, it were laymen that from the late Middle Ages onwards modelled ideas of order: The ancient tradition of the praise of the city developed again; civic historiography was booming which conceived the city as something fundamentally orderly and moments of strife as mere temporary disruptions to an otherwise successful urban government.

All this has contributed to consider the order of the medieval city as ideal particularly in times of crisis: it, for instance, becomes the object of nostalgic memory in early modern period, and a model of order for nation building in the 19th century.

However, the main focus of the ICHT-conferences was the urban structure and accordingly the images and maps conceiving it. Analysing these, scholars have investigated how cities and towns were perceived and imagined as ordered spaces and also as ordering entities from the Middle Ages to modern times. Here all kinds of representations of towns and cities from the late Middle Ages onwards have played a major part – and with them topics like: the logics of images and maps to organise knowledge about the complex urban structure, the layout of the city as a mirror of the distribution of power, as well as how landscapes are ordered and appropriated by the foundation of cities.

Less frequently, the ICHT-conferences have looked at performances that were employed to raise awareness of urban order. Only some performative acts were considered, that were used by the city's government or various groups throughout history, to temporarily appropriate the public space – be they processions, executions, or demonstrations of different kinds. The presentations examining this matter have confirmed recent research on recurring rituals in the urban space and their role in making ideas of order physically present, to stabilize local hierarchies, or to question power relations.

Furthermore, objects were discussed that were used to make urban order audible. Examples of this are church-bells and wind instruments such as trumpets or horns, which were used in pre-modern times to announce important events and to call the urban community to do their duty according to the urban order. Unlike texts, images and cartographic representations, which

were generally only accessible to a limited audience, such auditory signals were aimed at the entire urban population.

Basically, many of the aforementioned methods to convey urban order have survived in one way or the other. However, the media used to make urban order visible have become more common and connected to a public discourse. The discussion of public announcements and newspapers at the conferences could easily be pursued up to our time and its digital means.

Establishing or changing urban order

The written, pictorial and performative ways of conveying urban order as mentioned above, often result from situations in which order was called into question and had to be renegotiated and fixed. Such moments of crisis, were also an important subject of the ICHT conferences. Here such diverse issues as dissent, riots, epidemics, wars, natural catastrophes, multi-ethnicity, Reformation and modernization were discussed as moments in which the urban order was at stake. And it has been stressed particularly that the growing influence of the state and new demarcations were a massive challenge to urban order.

However, conference-papers also have shown that concepts of order are not necessarily established through conflict but could also be negotiated and accomplished peacefully. They have highlighted the importance of consensus in an ever-heterogeneous urban society from the Middle Ages up to modern times. They, furthermore, have emphasized how important the balance of interests was for the urban peace: between citizens and the clerical or secular lord of the town, between the city's government and the urban community, between the city's government and different groups as well as between such groups in town.

At the same time, the methods used to end situations of strife and to reestablish urban order were explored. In this context it also was emphasized that the city government, as the guardian of the urban order, should not place itself above but feel deeply committed to the common good, to the welfare of the citizens. This maxim for the city government, developed in the Middle Ages, however, has transtemporal significance and is repeatedly demanded when those responsible make decisions without regard for the city's population and its well-being.

Apparently, the urban elite and the city administration determined the discourse on urban order. This could be seen, for example, when examining the growing influence that lordly powers, and later state powers, had on urban order and communal rights. This also applies to observations on planning processes, which oscillated between the needs of the urban population, existing hierarchies and an increasing professionalization in dealing with complex problems of urban government. How the idea of the common good as a goal of pre-modern urban government has been adopted into the discourses on state orders in Europe is a question that should be further explored from a comparative perspective.

Another focus of the debate on urban order was on the integration of groups coming from outside or emerging within the city. Here the main question was, how particular interests and orders were embedded in the overarching system of order in the urban space. In this context, economically defined groups have been less of an issue than other social groups that have settled in the city. The establishment of religious orders from the 13th century onwards was an important matter. They not only represented new elements in the social structure of the city, but also claimed spaces in the city and appropriated them. Another example was the medieval university as an institution that was founded, but with an autonomous community of locals and foreigners in the city and as provider of knowledge for its citizens. Moreover, case studies from Western Europe, but even more Central Europe, have dealt with a subject that is of special importance in our times. They demonstrated what it meant to integrate groups with different cultural backgrounds, languages and religious beliefs into the social and spatial structure of cities and what solutions were found to solve problems related to this.

Urban order in a long and comparative view

The preceding brief remarks can certainly not do justice to the many case-related and methodological insights that were presented at our conferences. They could also only touch the differences between order-creating practices and dynamics in the many diverse European towns over time that were analyzed. However, they demonstrate that approaching urbanism through

the question of 'order' enables us to better describe cities as a complex system of smaller-scale orders and at the same time place them within the framework of higher-level ordering structures. On the other hand, they have allowed us to better understand the forms and practices that were employed to visualise, endorse or change order.

At least a few overarching observations can be made from a cross-temporal and cross-national perspective:

With the ICHT conferences it has become obvious that the urban way of life throughout its history has been a model of order, but that this was not fixed and structured down to the last detail but instead has always been based on mediation and negotiation. From the very beginning of the urban way of life, order had to be constantly renegotiated and fixed between the city government and groups or individuals with their own ideas of order – be they newcomers or already well established.

Also, cities, as more or less spatially limited, but complex communities, have been a place where people have thought about order, where communication about it has taken place, and where means of many kinds were developed to remind of the city being a place of a specific order.

Albeit repeatedly called into question, the common good of the citizens has always been a fundamental maxim in this process. However, the ideas of the city as a model of order and as a projection surface for ideas of order have changed over the course of time. For instance, Christian concepts of an ideal city have been overlaid by secular ones; and by the 19th century at the very latest, international, and above all technicist models, have set standards for the conception of urban life. At the same time, the significance of cities as an ordering element within the settlement network has changed: for example, with lordly foundations in premodern times, with the shifting of boundaries, with the dissolution of the contrast between town and country following the French Revolution, and with the transfer of regulatory powers to the modern state.

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This collection of eleven studies on *Discourses on the Peculiarities of Urban Order* concludes the four-year programme on *Urban Order* initiated in 2021 by the International Commission for the History of Towns (ICHT). It contains contributions by scholars from various European countries, from the Middle Ages to the contemporary age as well as covering a broad geographical area stretching from southern Italy to Norway. The various aspects of the broad theme of Urban Order are dealt with by concentrating on four sub-topics adopted by the ICHT: *Protagonists of Urban Order* (2021), *Crisis in Urban Order* (2022), *Mediating Urban Order* (2023) and *Discourses on the Peculiarities of Urban Order* (2024).

This volume contains contributions by scholars from various European countries covering a broad geographical area stretching from southern Italy to Norway. It investigates the various discourses of Urban Order and their tangible effects on city's space, culture, and material environment from the Middle Ages to the contemporary age.

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