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## The location breakthrough in the history of towns of Central Europe

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Changes related to reorganisation of the urban network in Central Europe according to patterns which were brought by the German colonisation are often referred to as the “location breakthrough” in Polish scholarship.<sup>1</sup> The analysis of the nature and significance of this breakthrough should consider the depth of changes related to the adoption of a model of a town organised according to the German law patterns as well as social and political conditions which decided on the extent and the way of this adoption. The model as such was not uniform; it underwent development and it was as late as around the mid-13<sup>th</sup> c. that a full program of location of a communal town was formed. A question therefore arises to what extent it concerned a reception of already existing patterns and to what extent the shape of location towns was influenced by local conditions and needs – first of all, by interests of the rulers and other territorial lords. The way of understanding of these issues at the present stage of discussion is well reflected by the term “location threshold,” which underlines a breakthrough importance of the German colonisation in the history of Central European towns.<sup>2</sup> This situation results from a long-lasting, very broad and partially still unfinished discussion with German scholarship. The latter also fulfils the role of a main intermediary in the exchange of knowledge on phenomena in other countries of Central Europe.

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<sup>1</sup> B. Zientara, *Przełom w rozwoju miast środkowoeuropejskich w pierwszej połowie XIII wieku* (A breakthrough in the development of Central European towns in the first half of the 13<sup>th</sup> c.), *Przegląd Historyczny* (henceforth as: PH) 67, 1976, p. 219. Due to the lack of space and the huge amount of literature I first of all quote newer works, which I consider rudimentary.

<sup>2</sup> *Ibid.*, p. 230. “The so-called ‘location threshold’ – introduction of the German law, regulation of the town and surrounding it with masonry walls, urban self-government – are a revolutionary leap, which not only moves Polish towns in their development at least two steps forwards, but also turns this development into a different path;” cf., e.g., J. M. Piskorski, *Miasta księstwa szczecińskiego do połowy XIV wieku* (Towns of the Duchy of Szczecin to the mid-14<sup>th</sup> c.), Poznań 1987, pp. 13, 18, 85 ff, p. 221.

The concept of towns organised according to the Polish law patterns, which was developed after World War II in polemics with the colonial theory of the origin of towns, was demolished – as it is known – by Karol Buczek in his monograph “Markets and towns organised according to the Polish law patterns,” published in 1964.<sup>3</sup> He reduced the nature of early urban centres to its proper size by demonstrating that they did not create independent institutions and their inhabitants were subject to jurisdiction of castellans. Markets organised according to the Polish law were not separate settlements, but an institution of the public law. With regard to that, the market right – *ius fori*, the jurisdiction of specialised judges and the rights of mint-masters and custom officials – concerned only the very place of exchange on the days of a fair.<sup>4</sup> From a perspective of forty years the book of Buczek is to be assessed as an extraordinary work, and its insightful observations have been commonly accepted.<sup>5</sup> One must add, however, that the strength and the uncompromising attitude of analytical deductions was based upon a holistic vision of the system of the ducal law; the principles of this vision are subject to criticism.<sup>6</sup> The author concentrated on searching for differences between the institutions of the Polish and the German laws. Granting of the latter meant granting of immunities and “creating a homogenous judicial district. Thanks to this, a market (*forum*) and a market settlement (*locus forensis*) were joined into one unity, called a *villa* or a *civitas forensis*.” For a long time markets organised according to the Polish law with the economic immunity and exceptionally the judicial one and markets organised according to the German law were supposed to function in parallel. “The latter were, with regard to their organi-

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<sup>3</sup> K. Buczek, *Targi i miasta na prawie polskim (okres wczesnośredniowieczny)* (Markets and towns organised according to the Polish law patterns. The early medieval period), Kraków 1964.

<sup>4</sup> *Ibid.*, pp.36-38; *id.*, *Z problematyki osiedli wczesnomiejskich w Polsce* (Issues of early urban settlements in Poland), *Studia Historyczne* 19, 1976, pp. 325-333.

<sup>5</sup> B. Zientara, *Przełom*, p. 231; *id.*, *Przemiany społeczno-gospodarcze i przestrzenne miast w dobie lokacji* (Socio-economic and spatial transformations of towns in the period of location), in: *Miasta doby feudalnej w Europie środkowo-wschodniej. Przemiany społeczne a układy przestrzenne* (Towns of the feudal period in Central-Eastern Europe. Social transformations and spatial layouts), Poznań 1976, pp. 72 ff, 81 ff; K. Modzelewski, *Organizacja grodowa u progu epoki lokacji* (Stronghold organisation at the dawn of the location period), *Kwartalnik Historii Kultury Materialnej* (henceforth as: *KHKM*), 28, 1980, pp. 333 ff; J. M. Piskorski, *Miasta*, pp. 33 ff; M. Młynarska-Kaletynowa, *Die Bedeutung von Plätzen/Märkten im Staatsbildungsprozeß bei den Westslawen*, in: *Burg – Burgstadt – Stadt. Zur Genese mittelalterlicher nichtagrarischer Zentren in Ostmitteleuropa*, Berlin 1995; A. Wędzki, *Die polnische mediävistische Forschung zu Fragen der Genese und Entwicklung der Stadtformen in der Vorlokationszeit (eine Forschungsbilanz)*, *ibid.*, pp. 32 f.

<sup>6</sup> S. Gawlas, *O kształt zjednoczonego królestwa. Niemieckie władztwo terytorialne a geneza społeczno-ustrojowej odrębności Polski* (For the shape of the united kingdom. German territorial rule and the origin of the social-organisatorial distinctiveness of Poland), 2<sup>nd</sup> ed., Warszawa 2000, pp. 65 ff.

sation, very similar to Polish ones, as they originated from them and they took over a majority of their features, including the market fee (*forale, teloneum forense*).<sup>7</sup> This shows the nature of the earlier German law locations in a proper way, but the issue was not discussed any further, although the author took his arguments first of all from the sources of the location period. With regard to that, one will probably need to further reduce the number of source mentions on the so-called towns organised according to the Polish law. This is especially true because the most important example, i.e., the charter of Bishop Piotr for Płock from 1237 (issued upon request of Konrad of Masovia,<sup>8</sup> no doubt concerned the location of the German town.<sup>9</sup> Long-lasting difficulties concerning the fulfilment of this intention simultaneously demonstrate difficulties with expropriation of ecclesiastical property, which accompanied transformations of large centres.<sup>10</sup>

The criticism offered by Buczek generally hit the evolutionary understanding of the urbanisation process and underlined the breakthrough importance of the reception of colonisation patterns. This last issue was considerably stressed in the proceedings of a special colloquium during the 11<sup>th</sup> Convention of Polish Historians in Toruń in 1974. After nearly thirty years it can be seen that a hitherto valid way of understanding the urban formation processes was worked out then, which was especially noticeable in the paper by Benedykt Zientara. While analysing changes in the period of the location, he noticed a dynamic nature of these processes and he underlined that “at the moment when the reception of the German law patterns in the Polish lands commenced, this law did not yet constitute a coherent system, which could be re-

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<sup>7</sup> K. Buczek, *Targi*, pp. 56-57 (cf. pp. 114 ff).

<sup>8</sup> The best edition in: *Zbiór dokumentów i listów miasta Płocka* (Collection of charters and letters of the town of Płock), ed. by S. M. Szacherska, Vol. 1, Warszawa 1975, No. 9, pp. 14-17; cf. K. Buczek, *Targi*, pp. 52, 94 ff, 108 ff; id., *Sprawa lokacji miasta Płocka* (Issue of the location of the town of Płock), *Kwartalnik Historyczny* (henceforth as: KH), 74, 1967, pp. 1013-1026.

<sup>9</sup> This was proved in a convincing and insightful analysis by S. M. Szacherska, *Płock – civitas vetus czy civitas cathedralis?* (Płock – *civitas vetus* or *civitas cathedralis?*), in: *Spółczesność Polski średniowiecznej* (Society of medieval Poland), Vol. 5, Warszawa 1992, pp. 175-188; independently, M. Dygo, “*Hospites eciam eo iure fruuntur, quo et milites Mazouienses.*” W sprawie lokacji Płocka w 1237 roku (“*Hospites eciam eo iure fruuntur, quo et milites Mazouienses.*” Concerning the location of Płock in 1237), KH 100, 1993, No. 3, pp. 3-17, demonstrated that granting the “guests” (*hospites*) with the chivalric law had only defined the sum of wergild in accordance with the Magdeburg and the Chełmno laws. Therefore, “it guaranteed them the same legal status as they received in German countries, in the forming lordship of the Teutonic Order in Prussia and most probably also in other provinces of Poland, which were already subject to urban colonisation according to the German law patterns” (quotation from p. 9).

<sup>10</sup> A persistent defence of the Episcopal town, which fell only in relation to the construction of the town walls by Kazimierz the Great (which began in 1353), was discussed by S. M. Szacherska, *Płock*, p. 183 ff.

ceived as a whole”.<sup>11</sup> The very term “location” was taken from the sources, where it could stand for a foundation of a settlement, a transformation of the spatial layout of an already extant settlement or a legal act which took the population of a settlement under the jurisdiction of the German law.<sup>12</sup> The transformation took place in several stages. At the first stage colonies of foreign merchants (*hospites*) were granted legal autonomy under the superiority of their own mayors. At the second stage a spatial location took place, which gathered the entire population under the jurisdiction of the German law.<sup>13</sup> The author underlined that initially the border between the town and the village had been fluent. This was reflected in the terminology of the sources: “in the first Silesian charters concerning the location *villa forensis* or simply *forum* is used instead of *civitas* or *oppidum* in reference to a settlement of urban nature which is located according to the German law patterns.” The rulers were reserved in giving liberties to burghers. A post-location town still had a pre-communal nature<sup>14</sup> and it was as late as after the mid-13<sup>th</sup> c. that it received well-formed institutions of self-government.<sup>15</sup> A considerable addendum was also brought by the paper of Tadeusz Lalik, who underlined the distinctness of the function and the origin of large towns, which were related to large-scale trade and export manufacture, and a network of small towns which serviced local markets. Although small towns originated from the network of markets, a majority of them originated only in the period of the location and was “one of the elements of creation of large seignorial property.”<sup>16</sup> This difference was already noticed by scribes of the charters. “Such a settlement, often called *villa fori* or *villa forensis* in the sources, could give rise to a small town in the conditions of feeble urbanisation. This was because a small town also acquired the status of a German law commune according to the location charter.”<sup>17</sup>

This way of understanding of the location breakthrough was accepted by Henryk Samsonowicz in his synthesis of the history of Polish towns.<sup>18</sup> One also has to note a comprehensive verification of issues with regard to towns of the Duchy of

<sup>11</sup> B. Zientara, *Przemiany*, pp. 67-111 (quotation from p. 74).

<sup>12</sup> *Ibid.*, pp. 78-79; the author referred to the analysis by R. Koebner, *Locatio. Zur Begriffssprache und Geschichte der deutschen Kolonisation*, *Zeitschrift des Vereins für Geschichte Schlesiens* 63, 1929, pp. 1-32.

<sup>13</sup> B. Zientara, *Przemiany*, p. 82 ff.

<sup>14</sup> *Ibid.*, p. 80 ff.

<sup>15</sup> This issue was briefly discussed by B. Zientara, *Das deutsche Recht (ius Teutonicum) und die Anfänge der städtischen Autonomie*, *Hansische Studien* 6, 1979, pp. 94-100; cf. Gawlas, *O kształt*, p. 38 (with further scholarship).

<sup>16</sup> T. Lalik, *Geneza sieci miasteczek w Polsce średniowiecznej* (Genesis of the network of small towns in medieval Poland), in: *Miasta doby feudalnej* (as in footnote 5), pp. 113-136 (quotation from p. 136).

<sup>17</sup> *Ibid.*, p. 130.

<sup>18</sup> M. Bogucka, H. Samsonowicz, *History of towns and burghers in pre-partition Poland*, Wrocław 1986, p. 45 ff.

Szczecin, carried out by Jan Piskorski.<sup>19</sup> He tended to underline a profound nature of changes which accompanied the “location threshold” – which is justified by a certain retardation of the process and the peculiarity of the region. The author of the present paper, based on a broad comparative material, referred to the opinion of B. Zientara and underlined a gradual development of a complete model of location according to the German law patterns. He also stressed a relative late origin of the checkerboard-block pattern principle in the formation of the urban space. The date of issue of the location charter has an approximate significance only, as the location of a new town was a longer process, which took from several to some dozen years.<sup>20</sup>

These observations which sum up the knowledge on the changes of the location principles have been only partially used in regional research and studies on particular urban centres. Eclectic approaches prevail among such studies. There is a tendency to sum up the information from earlier and newer scholarship.<sup>21</sup> Scarce source data are completed with a stereotype scheme, which puts a simple question of the location date (considered as the origin of the town) in the foreground, without discussing its nature. It is especially dangerous for the first half of the 13<sup>th</sup> c., when the model of the transformation was still forming. This renders the interpretation of the sources difficult and diminishes the trustworthiness of conclusions. In these circumstances a key role is played by research on several large centres. An application of the comparative method, a relative abundance of data and a cooperation between several disciplines of science (with special reference to archaeology) allow for a more profound insight into the nature of the phenomena. Research on Wrocław brings especially significant results.<sup>22</sup>

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<sup>19</sup> J. M. Piskorski, *Miasta*, p. 38 ff, especially p. 79 ff.

<sup>20</sup> S. Gawlas, *O kształt*, p. 26 ff; *id.*, *Ulica a zmiany krajobrazu miejskiego w okresie lokacji* (Street and changes of the urban landscape in the period of locations), *KHKM* 47, 1999, pp. 3-25.

<sup>21</sup> This can be seen in the otherwise interesting and useful book by Z. Górczak, *Najstarsze lokacje miejskie w Wielkopolsce (do 1314 r.)* (The earliest urban locations in Greater Poland (until 1314)), Poznań 2002; cf. the review by J. Jurek, *Roczniki Dziejów Społecznych i Gospodarczych* 62, 2002, pp. 248-252 and a further discussion *ibid.*, 63, 2003, pp. 212-220. Taking some most recent examples only, it can be seen that the development of the location model was not noticed by Z. Zarzycki, *Targ i osada handlowa w okresie lokacyjnym. Przykład Koprzywnicy* (A market and a trade settlement in the location period. The example of Koprzywnica), *Studia Historyczne* 44, 2001, pp. 367-384.

<sup>22</sup> C. Buśko, M. Goliński, M. Kaczmarek, L. Ziątkowski, *Historia Wrocławia* (History of Wrocław), Vol. 1, Wrocław 2001; M. Młynarska-Kaletynowa, *Wrocław w XII-XIII wieku. Przemiany społeczne i gospodarcze* (Wrocław in the 12<sup>th</sup>-13<sup>th</sup> c. Social and economic transformations), Wrocław 1986; *ead.*, *Przemiany przestrzenne Wrocławia w wiekach XII-XIII* (Spatial changes of Wrocław in the 12<sup>th</sup>-13<sup>th</sup> c.), in: *Architektura Wrocławia* (Architecture of Wrocław), Vol. II: *Urbanistyka* (Urbanism), Wrocław 1995, pp. 9-26.

The afore-mentioned obscurities concerning the understanding of the location threshold also influenced historical-urban analyses of the regular spatial layout of colonisation towns. Such analyses developed into a separate field of research,<sup>23</sup> which favoured a certain autonomisation of its research results<sup>24</sup> and petrified a tendency to identify a hypothetic location date with the existing spatial layout. A particularly clear example of this is the repeating of information on a putative spatial layout of Trzebnica based on the charter from 1224,<sup>25</sup> which is in fact a much later forgery – as it was reminded of by K. Buczek in the first paragraph of his book.<sup>26</sup> The most significant achievement of measurement analyses were insightful analyses by Janusz Pudelko, concerning the size of location plots in Silesian towns and the modular foundations of the entire spatial layout.<sup>27</sup> The problem of plots is still intensively examined.<sup>28</sup> Significant information on the way of use and its changes is yielded

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<sup>23</sup> Cf. T. Zarębska, *Badania historyczno-urbanistyczne metodą analiz przestrzennych* (Historical-urban research using the method of spatial analyses), KHKM 48, 1995, pp. 15-24.

<sup>24</sup> It led to such nonsense assumptions as identifying the regular layout with the earliest spatial layout – cf. the works by T. Kozaczewski, e.g.: *Głogów – miasto średniowieczne* (Głogów – the medieval town), *Kwartalnik Architektury i Urbanistyki* (henceforth as: *KAiU*), 18, 1973, fasc. 1, pp. 3-33, here p. 32. “Głogów is a perfect example of a combination of the new spatial idea of a town and the indigenous law;” cf. id., *Przejście od miasta wczesnośredniowiecznego do miasta średniowiecznego* (Transition from an early medieval to a medieval town), *Śląski Kwartalnik Historyczny Sobótką* 44, 1989, pp. 511-524.

<sup>25</sup> As recently done by M. Książek, *Zarys zabudowy miast średniowiecznych w Polsce do końca XV w.* (An outline of buildings’ layout of medieval towns in Poland to the end of the 15<sup>th</sup> c.), 2<sup>nd</sup> ed., Kraków 1994, pp. 58-60; cf. F. Bujak, *Studia nad osadnictwem Małopolski* (Studies on the settlement of Lesser Poland), Kraków 1905, p. 225; K. Dziewoński, *Geografia Trzebnicy i ujazdu trzebnickiego w okresie średniowiecznym* (Geography of Trzebnica and the district of Trzebnica in the early medieval period), *Studia Wczesnośredniowieczne* 1, 1952, pp. 25-34.

<sup>26</sup> K. Buczek, *Targi*, p. 5.

<sup>27</sup> Among numerous works see especially: J. Pudelko, *Próba pomiarowej metody badania planów niektórych miast średniowiecznych* (Attempt of a measurement method of examination of plans of some medieval towns), *KAiU* 9, 1964, fasc. 1, pp. 3-26; id., *Działka lokacyjna w strukturze przestrzennej średniowiecznych miast śląskich XIII w.* (Location plot in the spatial structure of medieval Silesian towns in the 13<sup>th</sup> c.), *ibid.*, fasc. 2, pp. 115-137; id., *Zagadnienie wielkości powierzchni średniowiecznych miast śląskich* (Question of the size of the surface of medieval Silesian towns), Wrocław 1967.

<sup>28</sup> Cf. the proceedings of the conference: *Średniowieczna działka miejska na Śląsku* (Medieval urban plot in Silesia), in: KHKM 43, 1995, fasc. 3 and 44, 1996, fasc. 1; W. Schich, *Zur Grosse der Area in den Gründungsstädten im östlichen Mitteleuropa nach den Aussagen der schriftlichen Quellen*, in: *Vera Lex Historiae. Studien zu mittelalterlichen Quellen. Festschrift für Dietrich Kurze zu seinem 65. Geburtstag am 1. Januar 1993*, Köln 1993, pp. 81-115; the work of A. Rogalanka can be considered a methodical pattern, *O układzie i wielkości parcel w średniowiecznym Poznaniu (próba rozpoznania problemu)* (On the layout and the size of plots in medieval Poznań. Attempt at identifying the prob-

by examinations of the urban house.<sup>29</sup> One also has to mention the conferences organised by the Commission of the History of Towns at the Committee of Historical Sciences of the Polish Academy of Sciences.<sup>30</sup> The newest book by Bogusław Krasnowolski on the changes of location layouts of Lesser Poland's towns can be considered a summary of results and cognitive opportunities of historical-urban research.<sup>31</sup> Taking 64 centres into consideration (including some examples from the land of Sandomierz and Silesia), which constitute the majority of the urban network in the land of Kraków, the work essentially contributes to the knowledge of these issues. One must appreciate the author's openness for the entire scholarship concerning the subject. On the other hand, it seems that the justification of dating of spatial layers is still somehow insufficient. It is anyway related to the state of the art and the lack of sufficiently organised comparative material. An essential change with regard to that is brought by the works on the Historical Atlas of Polish Towns, which are carried out in Toruń and Wrocław.<sup>32</sup>

In the recent years the research done by historians is more and more supported – and even overshadowed to a certain degree – by results of excavations carried out by archaeologists. These results allow to verify and complete data from written sources. The present state of the art, which is discussed in thousands of books and papers, is to a degree put in order and systematised in the most recent works by Jerzy Piekalski and Marian Rębkowski. The work (1999) offers an analysis of changes of the top-

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lem), in: *Początki i rozwój Starego Miasta w Poznaniu w świetle badań archeologicznych i urbanistyczno-architektonicznych* (Beginnings and the development of the Old Town in Poznań in the light of archaeological and urban-architectural research), Poznań 1977, pp. 323-376.

<sup>29</sup> Recently J. Piekalski, *Early houses of burghers in Central Europe. Origin – function – form*, Wrocław 2004, with further scholarship.

<sup>30</sup> Among them: *Funkcje i formy placów miejskich w średniowiecznej Polsce* (Functions and forms of urban squares in medieval Poland), KHKM 40, 1992, fasc. 3; *Ulica jako przestrzeń społeczno-kulturowa w miastach polskich* (Street as social-cultural space in Polish towns), *ibid.*, 47, 1999, fasc. 1-2; *Średniowieczna działka* (as in footnote 28).

<sup>31</sup> B. Krasnowolski, *Lokacyjne układy urbanistyczne na obszarze ziemi krakowskiej w XIII-XIV wieku* (Location urban layouts in the territory of the land of Kraków in the 13<sup>th</sup>-14<sup>th</sup> c.), Part 1: *Miasta ziemi krakowskiej, chronologia procesów osadniczych i typologia układów urbanistycznych* (Towns of the land of Kraków – chronology of settlement processes and typology of urban layouts), Part 2: *Katalog lokacyjnych układów urbanistycznych* (Catalogue of location urban layouts), Kraków 2004; the author makes use of unpublished historical-urban studies of the Workshops of Monument Conservation.

<sup>32</sup> *Historical Atlas of Polish Towns*, Vol. I: *Prusy Królewskie i Warmia* (Royal Prussia and Warmia), fasc. 1-5, Toruń 1993-2003 (Elbląg, Toruń, Chełmno, Grudziądz, Malbork); Vol. II: *Kujawy* (Cuiavia), fasc. 1, Toruń 1997 (Bydgoszcz); Vol. III: *Mazury* (Masuria), fasc. 1, Toruń 1998 (Giżycko); Vol. IV: *Śląsk* (Silesia), fasc. 1-4, Wrocław 2001-2003 (Wrocław, Środa Śląska, Trzebnica, Niemcza); cf. R. Czaja, *Atlas historyczny miast europejskich* (Historical atlas of European towns), KHKM 40, 1992, pp. 399-405.

ographic structure of large towns, from post-antique to communal ones. It is based upon selected examples in the area between the Rhine and the Wisła.<sup>33</sup> A broad perspective better documents the phenomena of settlement continuity, the prevalence of polycentric layouts and it demonstrates the existence of numerous ways of development leading to the communal town. "The tendency towards a greater and greater regularity develops from the west to the east, and it reaches its peak in the second half of the 13<sup>th</sup> c."<sup>34</sup> The other author (2001) limited himself to the Duchy of Western Pomerania<sup>35</sup> and discussed the nature of spatial transformations which accompanied the early locations. He also stressed the profundity of various aspects of the cultural breakthrough which was related to the inflow of colonists. Both works, however, concentrated on large centres, which somehow simplified the image of the location breakthrough.

With regard to these characteristics (which are for obvious reasons quite concise) of the present state of research, one can draw a conclusion that a significant amount of knowledge has been gathered concerning the processes which made up the location breakthrough. On the other hand, there are still some obscurities concerning the way of its understanding and some related phenomena. It must be underlined that research on particular subjects is insufficiently related to the most important general summaries of the problem. The transformation of the urban network in Poland and in Central Europe was part of a large pan-European process.<sup>36</sup> The evolutionary development of old urban centres was everywhere accompanied with the foundation of new centres. A dozen or so years ago Tadeusz Roslanowski compared our region with English locations of towns in England, Wales and Gascony.<sup>37</sup> He noticed "an astonishing synchronism of both phenomena – on both flanks of medieval Europe." In spite of obvious differences (new towns in the West were usually centres of secondary importance), there were numerous parallels with regard to ap-

<sup>33</sup> J. Piekalski, *Od Kolonii do Krakowa. Przemiana topografii wczesnych miast (From Köln to Kraków. Transformation of topography of early towns)*, Wrocław 1999.

<sup>34</sup> *Ibid.*, p. 259.

<sup>35</sup> M. Rębkowski, *Pierwsze lokacje miast w księstwie zachodniopomorskim. Przemiany przestrzenne i kulturowe (The first locations of towns in the Duchy of Western Pomerania. Spatial and cultural changes)*, Kołobrzeg 2001.

<sup>36</sup> E. Ennen, *Die europäische Stadt des Mittelalters*, 3<sup>rd</sup> ed., Göttingen 1979, pp. 100 ff; A. E. J. Morris, *A History of Urban Form. Before the Industrial Revolutions*, 3<sup>rd</sup> ed., New York 1994, pp. 119 ff; J. Heers, *La ville au Moyen Âge en Occident. Paysages, pouvoirs et conflits*. Paris 1990, pp. 96 ff; E. Guidoni, *Storia dell'urbanistica il Medioevo. Ecoli VI-XII*, Bari 1991, pp. 147 ff.

<sup>37</sup> T. Roslanowski, *Z zagadnień porównawczych lokacji miejskich w Europie Zachodniej i Środkowo-Wschodniej w średniowieczu (Some comparative issues of urban locations in Western and Central-Eastern Europe in the Middle Ages)*, in: *Studia nad etnogenezą Słowian i kulturą Europy wczesnośredniowiecznej (Studies on the ethnogenesis of the Slavs and the culture of early medieval Europe)*, Vol. II, Wrocław 1988, pp. 119-123.



plied solutions. Concerning the differences, attention is drawn to “the lack of market places to the extent which may be encountered in Poland or the neighbouring countries – this is especially striking in England.”<sup>38</sup> Obviously, one can multiply parallels between *bastides* or *burgi novi* and *villae forenses* and location towns, especially with regard to their status and function.<sup>39</sup> A closer inspection of available comparative data<sup>40</sup> enables one to simultaneously notice a complexity of urban formation processes, considerable regional differences of applied solutions and the role of local organisational efforts, conditioned by the legal background and the ruler’s opportunities of activity.

Within the area of the German colonisation, in spite of a similar direction of changes and numerous parallels,<sup>41</sup> it is difficult to say about the reception of a homogeneous pattern of a town location. Stipulated generalisations are either questionable,<sup>42</sup> or too superficial.<sup>43</sup> It is understandable if one takes into consideration that urbanisation was a process which intensified at various times in various regions, and originating solutions underwent a diffusion, but according to local conditions. In general

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<sup>38</sup> Ibid., p. 123.

<sup>39</sup> Cf. P. Erlen, *Europäischer Landesausbau und mittelalterliche deutsche Ostsiedlung. Ein struktureller Vergleich zwischen Südfrankreich, den Niederlanden und dem Ordensland Preußen, Marburg/Lahn 1992*, pp. 134 ff, 164 ff; Ch. Higouet, *Zur Siedlungsgeschichte Südwestfrankreichs vom 11. bis zum 14. Jahrhundert*, in: *Die Deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte*, Sigmaringen 1975, pp. 657-694; id., *Paysages et villages neufs du Moyen Âge. Recueil d’articles*, Bordeaux 1975.

<sup>40</sup> For England especially: J. Schoffield, A. Vince, *Medieval Towns*, London 1988, pp. 12 ff, especially pp. 28 ff; a general depiction: M. Beresford, *New Towns of the Middle Ages. Town Plantation in England, Wales and Gascony*, 2<sup>nd</sup> ed., Gloucester 1988; cf. C. Platt, *The English Medieval Town*, London 1976, pp. 23 ff; T. O’Keeffe, *Medieval Ireland. An Archaeology*, Stroud 2001, pp. 90 ff; for France also A. Lauret, R. Malebranche, G. Seraphin, *Bastides: villes nouvelles du Moyen Âge*, Toulouse 1988; cf. Heers, *La ville*, pp. 106 ff and footnote 39; for Italy: Ch. Higouet, *La place dans les villes neuves de l’Italie médiévale*, *Journal des Savants*, Juillet-décembre 1989, pp. 217-239; I was not able to access the work of D. Friedman, *Florentine New Towns: Urban Design in the Late Middle Ages*, Cambridge Mass. 1988. Concerning the spatial layouts cf. also J. Bradley, *The Role of Town-plan Analysis in the Study of the Medieval Irish Town*, in: *The Built Form of Western Cities*, Leicester 1900, pp. 39-59; T. R. Slater, *English Medieval New Towns with Composite Plans: Evidence from the Midlands*, *ibid.*, pp. 60-82.

<sup>41</sup> The book by A. Wędzki, *Początki reformy miejskiej w Środkowej Europie do połowy XIII w. (Beginnings of the urban reform in Central Europe to the mid-13<sup>th</sup> c.)*, Poznań 1974, is still the best general overview of the subject, in spite of justified criticism by B. Zientara, *Przełom*, pp. 219-241; cf. recently W. Schich, *Die Bildung der Städte im westslawischen Raum in der Sicht der älteren und jüngeren Forschung*, in: *Konzeptionelle Ansätze der Hanse-Historiographie*, Trier 2003 (Hansische Studien 14), pp. 115-140.

<sup>42</sup> E.g., H. Keller, *Die ostdeutsche Kolonialstadt des 13. Jahrhunderts und ihre städtischen Vorbilder*, Wiesbaden 1979.

<sup>43</sup> Ch. Higouet, *Die deutsche Ostsiedlung im Mittelalter*, Berlin 1986, pp. 272 ff.

terms, one is to separate three zones in the colonisation area: the Baltic one, the central one and the south German one. Therefore, there was no uniform influence on the eastern neighbours of the Empire. Comparative data for Hungary, which are available in conference languages, allow for a general depiction only. They point out, however, that this country belonged to the south German (also Swiss and Austrian) zone.<sup>44</sup> The first groups of foreign merchants were (apart from the Jews and the Moslems<sup>45</sup>) the Romance *latini*, and the German incomers appeared after the mid-12<sup>th</sup> c. The peak point of their inflow occurred in the second half of the 13<sup>th</sup> c.<sup>46</sup> Changes were usually of evolutionary nature. They took place via individual concessions and they were generally not accompanied with a further reaching liquidation of earlier systems. The line of division of the development of legal autonomy can be seen in the times of Bela IV (1235-1270), and the granting of privileges intensified after the Mongol invasion of 1241. It is remarkable that it came to a consolidation of a dualism of some dozen towns (*civitates*) as centres of long-distance trade (and partially mining) and some hundreds of market settlements (*oppida*), with the latter differing from one another with regard to their size and the extent of legal autonomy.<sup>47</sup> This resembles the case of Austria, where a legal difference between both types of settlements exists until the present day.<sup>48</sup> Better accessible data from the territory of pre-

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<sup>44</sup> E. Fügedi, Die Entstehung des Städtewesens in Ungarn, *Alba Regia* 10, 1969, pp. 101-118; id., Die Stadtplan von Stuhlweissenburg und die Anfänge des Bürgertums in Ungarn, in: id., *Kings, Bishops, Nobles and Burghers in Medieval Hungary*, London 1986 (Variorum Reprints), Art. X; A. Kubinyi, Die Anfänge Ofens, Berlin 1972; A. Wędzki, *Początki*, pp. 166 ff; M. C. Rady, *Medieval Buda: A Study of Municipal Government and Jurisdiction in the Kingdom of Hungary*, New York 1985; *Towns in Medieval Hungary*, ed. by L. Gerevich, Budapest 1990; G. Kristó, *Die Arpaden-Dynastie. Die Geschichte Ungarns von 895 bis 1301*, Budapest 1993, pp. 227 ff; J. Laszlowzsky, *Frühstädtische Siedlungsentwicklung in Ungarn*, in: *Burg – Burgstadt* (as in footnote 5), pp. 307-316; K. Gönczi, *Ungarisches Stadtrecht aus europäischer Sicht. Die Stadtrechtentwicklung im spätmittelalterlichen Ungarn am Beispiel Ofens, Frankfurt/Main 1999*.

<sup>45</sup> N. Berend, *At the Gate of Christendom. Jews, Muslims and “Pagans” in Medieval Hungary, c. 1000-c. 1300*, Cambridge 2001, pp. 60 ff, pp. 109 ff.

<sup>46</sup> K. Gönczi, *Ungarisches Stadtrecht*, pp. 15 ff; E. Fügedi, *Das mittelalterliche Königreich Ungarn als Gastland*, in: *Die Deutsche Ostsiedlung* (as in footnote 39), pp. 479 ff; A. Kubinyi, *Zur Frage der deutschen Siedlung im mittleren Teil des Königreichs Ungarn (1200-1541)*, *ibid.*, pp. 527 ff.

<sup>47</sup> E. Fügedi, *Die Ausbreitung der städtischen Lebensform – Ungarns Oppida im 14. Jahrhundert*, in: *Stadt und Stadtherr im 14. Jahrhundert*, Linz/Donau 1972, pp. 165-192; A. Kubinyi, *Urbanisation in the East-Central Part of Medieval Hungary*, in: *Towns in Medieval* (as in footnote 44), pp. 120 ff; concisely by K. Gönczi, *Ungarisches Stadtrecht*, pp. 29 ff.

<sup>48</sup> H. Knittler, *Städtewesen, Handel und Gewerbe*, in: *Österreich im Hochmittelalter (902 bis 1246)*, Wien 1991, p. 473-495; W. Katzinger, *Die Märkte Oberösterreichs. Eine Studie zu Ihren Anfängen im 13. und 14. Jahrhundert*, in: *Forschungen zur Geschichte der Städte und Märkte Österreichs*, Linz 1978, pp. 69-150.

sent-day Slovakia suggest a similar course and chronology of the urbanisation process.<sup>49</sup> On the other hand, locations according to the pattern of the market street were more frequent there (with the regular layout being an exception).<sup>50</sup> Furthermore, Silesian influences appeared in the north, and they grew stronger from the late 13<sup>th</sup> c.<sup>51</sup>

Bohemian data are much broader and they have recently been summarised in the syntheses by František Hofmann<sup>52</sup> and Josef Žemlička,<sup>53</sup> and in the comprehensive legal monograph by Jiří Kejř.<sup>54</sup> Research and discussions have their own tradition and special features.<sup>55</sup> Regrettably, a more detailed comparison with the situation in Poland is not possible in the framework of this paper. In spite of numerous

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<sup>49</sup> R. Marsina, *Vývoj správy miest v stredoveku* (Development of the administration of towns in the Middle Ages), in: *Vývoj správy miest na Slovensku* (Development of the administration of towns in Slovakia), Banská Bystrica 1984, pp. 21-49, and other papers in this volume; id., *Mesto a trh na Slovensku do konca 13. stor.* (Town and market in Slovakia to the end of the 13<sup>th</sup> c.), *Historický časopis* 26, 1978, fasc. 1, pp. 77-95; id., *O kategoriách a typoch miest na Slovensku do polovice 14. storočia* (Categories and types of towns in Slovakia to the mid-14<sup>th</sup> c.), *Folia historica Bohemica* 10, 1986, pp. 107-136; D. Čaplovič, *Počiatky stredovekého mesta na území Slovenska* (Beginnings of medieval towns in the territory of Slovakia), *Archaeologia historica* 20, 1995, pp. 247-266; A. Ruttkay, *Genese und Typologie der mittelalterlichen Städte im Gebiet der Slowakei von dem 14. Jahrhundert*, in: *Burg – Burgstadt* (as in footnote 5), pp. 296-306; cf. *Výsady miest a mestečiek na Slovensku (1238-1350)* (Privileges of towns and small towns in Slovakia, 1238-1350), ed. by L. Juck, Bratislava 1984.

<sup>50</sup> T. Zalčík, *Urbanizmus stredovekého mesta na Slovensku* (Urbanism of the medieval town in Slovakia), Bratislava 1973; J. Duchoň, *Úvahy o najstaršom územnom vývoji mesta Košic* (Remarks on the earliest territorial development of the town of Košice), *Historický časopis* 39, 1991, pp. 294-315.

<sup>51</sup> A. Körmeny, *Melioratio terrae. Vergleichende Untersuchungen über die Siedlungsbewegung im östlichen Mitteleuropa im 13.-14. Jahrhundert*, Poznań 1995, pp. 237 ff (regrettably, the author deals with rural settlement only); for Spiš some observations were made by H. Ruciński, *Prowincja saska na Spiszu do 1412 r.* (The Saxon province in Spiš until 1412), Białystok 1983, pp. 305 ff.

<sup>52</sup> F. Hoffman, *České město v středověku* (The Bohemian town in the Middle Ages), Praha 1992.

<sup>53</sup> J. Žemlička, *Počátky Čech královských 1198-1253. Proměna státu a společnosti* (Beginnings of royal Bohemia 1198-1253. Change of the state and the society), Praha 2002, pp. 218 ff, pp. 263 ff; also id., *Století posledních Přemyslovců* (The age of the last Přemyslids), 2<sup>nd</sup> ed., Praha 1998, pp. 114 ff, pp. 273 ff; id., *Čechy v době knížecí (1034-1198)* (Bohemia in period of the dukes, 1034-1198), Praha 1997, pp. 297 ff. Considerable attention to towns was also paid by V. Vaníček, *Velké dějiny země Koruny České* (Great history of the lands of the Crown of Bohemia), Vol. II, Praha 2000, pp. 272 ff, Vol. III, Praha 2002, pp. 231 ff, pp. 527 ff.

<sup>54</sup> J. Kejř, *Vznik městského zřízení v českých zemích* (Origin of the urban regime in the Bohemian lands), Praha 1998; the book gathers observations from numerous studies by this author.

<sup>55</sup> D. Leśniewska, *Kolonizacja niemiecka i na prawie niemieckim w średniowiecznych Czechach i na Morawach w świetle historiografii* (The German colonisation and the colonisation according to the German law patterns in medieval Bohemia and Moravia in the

similar phenomena and temporal convergences, the differences are notable: the rise of the Bohemian towns proceeded in a much more evolutionary manner, which influences the understanding of the location breakthrough. J. Kejř proposes to use the term “institutional town,” which is first of all remarkable for its legal autonomy and corporate government system.<sup>56</sup> With regard to that, the location is related to granting of privileges.<sup>57</sup> These were usually not accompanied with spatial changes and old centres usually preserved their previous irregular shape. The unification of the town area was rendered possible by the taking over of ecclesiastical property (after 1253 also nobility’s property), which was subject to compulsory exchange.<sup>58</sup> The breakthrough was therefore first of all of legal nature. The example of Brno demonstrates how a privilege granted in 1243 became a foundation for the development of a separate version of the urban law.<sup>59</sup> A possibility to found a town exclusively belonged to the competences of the king<sup>60</sup> and it was as late as after 1253 that urban locations also became widespread in the estates of magnates.<sup>61</sup> Foundation of new centres occurred since the 1220s, especially in settlement peripheries.<sup>62</sup> The terminology of sources underlines a market nature of most such centres, with the most commonly used term of *villa forensis* (later also *oppidum forense*). J. Kejř strongly questioned urban character of settlements of this type and he considered them to be a medium stage between the town and the village (Minderstadt).<sup>63</sup> Source data, however, are

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light of historiography), Poznań-Marburg 2004, pp. 166 ff (concerning the last phase of the discussion on the genesis of towns).

- <sup>56</sup> J. Kejř, Vznik, p. 30, mentions four elements constituting the legal understanding: “urban peace, urban liberty, urban rights and urban constitution on the basis of a commune;” the author refers to the attitude of G. Dichler, *Rechtshistorische Aspekte des Stadtbegriffs*, in: *Bürgerrecht und Staatsverfassung im europäischen Mittelalter*, Köln 1996, pp. 65-92; cf. D. Leśniowska, *Kolonizacja*, p. 168.
- <sup>57</sup> Kejř, Vznik, pp. 113 ff; cf. Žemlička, *Počátky Čech*, pp. 224 ff, pp. 279 ff.
- <sup>58</sup> *Ibid.*, pp. 279-281; *id.*, “Právo nucené směny” při zakládání středověkých měst (Law of compulsory exchange during the location of medieval towns), *Český časopis historický* 96, 1998, pp. 502-531; *id.*, Zwangsaustausch als Instrument der königlichen Städtegründung in Böhmen und Mähren, in: *Landesgeschichte als Herausforderung und Programm*. K. Blaschke zum 70. Geburtstag, Stuttgart 1997, pp. 157-166, J. Kejř, Vznik, pp. 119 ff.
- <sup>59</sup> M. Flodr, *Brněnské městské právo. Zakladatelské období (-1359)* (Urban law of Brno. The foundation period (-1359)), Brno 2001.
- <sup>60</sup> J. Kejř, Vznik, pp. 121 ff.
- <sup>61</sup> Vániček, *Velké dějiny*, Vol. III, pp. 231 ff; T. Véličský, *Hrabišiči páni z Rýzmburka* (Lords Counts of Rýzmburk), Praha 2002, pp. 93 ff; J. Urban, *Lichtenburkové. Vzestupy a pády jednoho panského rodu* (The Lichtenburks. Rises and falls of one magnate family), Praha 2003, pp. 81 ff.
- <sup>62</sup> J. Žemlička, *Přemysl Otakar I. Panovník, stát a česká společnost na prahu vrcholného feudalismu* (Přemysl Otakar I. The ruler, the state and the Bohemian society at the threshold of the developed feudalism), Praha 1990, pp. 160 ff.
- <sup>63</sup> J. Kejř, Vznik, pp. 39 ff, 72 ff, 197 ff; *id.*, *Trhy a trhové vsi v Čechách a na Moravě* (Markets and market villages in Bohemia and Moravia), *Právně-historické studie* 28, 1987, pp.

not that unequivocal and some such market settlements developed into “full” towns in the course of time. The spatial layout of the new centres was based on the market street or the rectangular market square. Geometrical layouts spread after 1250, but they did not dominate the urban landscape.<sup>64</sup>

Poland belonged to the more northern zone of the German colonisation. Whereas comparative data concerning Brandenburg are partially gathered in insightful works of Winfried Schich,<sup>65</sup> the available data on the situation in the lands of the Wettins, in Pleißenland and in Lusatia are of fairly general nature.<sup>66</sup> Independently of that, a clearly market character of early locations in this area is well-notable.<sup>67</sup> In the north, some distinctive features are notable concerning the Baltic zone, with early developed communal self-government and the role of embankments in the topography of towns.<sup>68</sup>

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9-44; this opinion is accepted by J. Žemlička, *Počátky Čech*, pp. 268 ff; further observations and some corrections in: J. Thomas, *Civitas – villa ve významu právního města v českých zemích v první polovině 13. století (Civitas – villa in the sense of a legal town in the Bohemian lands in the first half of the 13<sup>th</sup> c.)*, in: *Civitas et villa. Miasto i wieś w średniowiecznej Europie środkowej (Civitas et villa. Town and village in medieval Central Europe)*, Wrocław 2002, pp. 17-24.

<sup>64</sup> D. Libal, *Rozvoj miast českých od XI w. do revoluce husycké (Development of Bohemian towns from the 11<sup>th</sup> c. to the Hussite revolution)*, *KAIU* 3, 1958, pp. 241-266; L. Hosak, *Poznamky k půdorusu středověkého moravského města (Remarks on the foundations of the medieval Moravian town)*, in: *Acta Universitatis Palackianae Olomucensis, Historia* 4, 1963, pp. 143-172; F. Hoffmann, *České město*, pp. 101 ff; M. Ježek, *Archeologie na rynku małego miasta w Czechach (Archaeology in the market square of a small town in Bohemia)*, in: *Średniowieczny Śląsk i Czechy. Centrum średniowiecznego miasta. Wrocław a Europa Środkowa (Medieval Silesia and Bohemia. The centre of the medieval town. Wrocław and Central Europe)*, Wrocław 2000, pp. 21-46.

<sup>65</sup> The paper by W. Schich, *Berlyn, Struzberch, Vrankenvrode...et alia plurima loca exstruerunt. Zum Bau der Städte in der Mark Brandenburg im 13. Jahrhundert*, in: *Mitteleuropäisches Städtewesen im Mittelalter und Frühneuzeit. Edith Ennen gewidmet*, Köln 1999, pp. 105-140; cf. id., *Die Herausbildung der mittelalterlichen Stadt in der Mark Brandenburg. Der Wandel der Topografie, Wirtschaft und Verfassung im 12./13. Jahrhundert*, in: *Stadtkernforschung, Köln 1987 (Städteforschung A-27)*, pp. 213-243; id., *Die Entstehung des Städtewesens im Havelland: Die großen Städte*, in: *Das Havelland im Mittelalter. Untersuchungen zur Strukturgeschichte einer ostelbischen Landschaft in slawischer und deutscher Zeit*, Berlin 1987 (*Germania Slavica* 5), pp. 341-381; H. Anderlik, *Entstehung und frühe Entwicklung der haveländischen Kleinstädte*, *ibid.*, pp. 383-408; S. Gawlas, *O kształt*, footnote 387.

<sup>66</sup> These are gathered by K. Blaschke, *Geschichte Sachsens im Mittelalter*, Berlin 1990, pp. 115 ff, with further reading. The query concerning regional research is outside the scope of this paper; cf. S. Gawlas, *O kształt*, footnote 391.

<sup>67</sup> Cf. W. Schich, *Berlyn*, pp. 108 ff.

<sup>68</sup> S. Gawlas, *O kształt*, p. 35 and footnotes 324 and 376.

In comparison with other countries of Central-Eastern Europe, the situation in Poland is remarkable for a considerable uniformity and regularity of the urban landscape and a considerable homogeneity of patterns of the communal system. This is at least partially the result of the impact of local conditions. While analysing the location breakthrough, one is to stronger than hitherto take into consideration the role of the extant constitutional background, i.e., the ducal law. I believe that it goes too far to put it against the German colonisation. The latter resulted from process of territorialisation of the Holy Roman Empire and the origin of the model of territorial rule. This model steadily underwent changes, which increased its effectiveness.<sup>69</sup> Much earlier, before the reception of the principles of the colonisation, related to the inflow of large groups of settlers, the situation in Poland was influenced by adaptation of elements of an earlier stage of development of the German territorial rule. Due to the needs of more and more numerous ducal courts in the 12<sup>th</sup> c., new models were adapted using local means and they provided the Piasts with a justification for a more profound fiscal exploitation of the resources of their subjects. This occurred within the framework of the afore-mentioned system of the ducal law (*ius ducale*), which I interpret as a local version of the concept of the regalia.<sup>70</sup> At the further stage (in Silesia, already since the late 12<sup>th</sup> c.) the role of the main tool of ducal power was taken over by the German colonisation and accompanying organisational and constitutional patterns. The leading role of Silesia contributed to the fact that the development of the institution of *ius ducale* went in parallel to the German colonisation.

As it is known, the colonisation and accompanying immunities changed the nature of peasant taxes and caused the replacement of burdens of the ducal law with grain and money rents. This issue has long been the subject of research and a relatively modest source base contributes to the fact that analyses are carried out in a closed framework of conceptual patterns of the natural and the rent economies.<sup>71</sup> These patterns were applied in a broad and politically conditioned discussion on the significance of the German colonisation. In a standard approach by Zdzisław Kaczmarczyk and Michał Sczaniecki “in the period of colonisation the original system of labour and natural rent is transformed into the rent system; the labour rent is reduced to an insignificant size. The money rent appears and it occurs together with the natural rent, but the former does not play a decisive role and it does not express more significant changes in productive relations.”<sup>72</sup> Apart from the Marxist phraseology

<sup>69</sup> Ibid., Chapters 6-10, I discuss the problem of the model of the territorial rule.

<sup>70</sup> Ibid., pp. 79 ff.

<sup>71</sup> The discussion and the issues were depicted by A. Gieysztor, *Gospodarka naturalna i towarowo-pieniężna* (Natural and money-commodity economy), in: *Słownik starożytności słowiańskich* (Dictionary of Slavonic antiquities) (henceforth as: SSS), Vol. II, Wrocław 1964, pp. 133-136.

<sup>72</sup> Z. Kaczmarczyk, M. Sczaniecki, *Kolonizacja na prawie niemieckim w Polsce a rozwój renty feudalnej* (Colonisation according to the German law patterns in Poland and the de-

of this generalisation and the necessity of its specification, it already corresponded to observations of pre-war researchers and is generally valid until the present day.<sup>73</sup> This scheme, however, is not precise enough for the analysis of a complex process of a growing role of money. It put the rulers in the situation of a permanent financial crisis. It is therefore justified to use the term commercialisation, which combines various consequences of monetisation of economic and social life and the mechanisms of power. In scholarly literature most comparative data and inspiration are provided by the works of English historians.<sup>74</sup> With regard to the Polish lands, one can arrange the intensification of the commercialisation phenomena in the following order: inflow of foreign currency as related to participation in international trade; beginnings of the use of foreign currency in internal exchange; commencement of own mintage; saturation of the internal market with own currency; formation of local markets; intensification of monetisation of peasant rents; subordination of the structure and the mechanisms of exchange to the needs of towns and exchange in regional markets; transformation of these markets into an interconnected network of markets, etc. Holistically understood commercialisation enables one to grasp mutual relations between political and economic phenomena.<sup>75</sup> These decided on the way of functioning of internal exchange and on conditions in which towns could develop in the course of time. It was since antiquity that access to money income decided on the opportunity of luxury consumption, which was the most important factor of the economic policy of elites of power in the Middle Ages.<sup>76</sup> It is especially true for areas which were peripheral in relation to contemporary economic centres.

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velopment of the feudal rent), *Czasopismo Prawno-Historyczne* 3, 1951, pp. 59-83 (quotation from p. 82).

<sup>73</sup> E.g., K. Kaczmarczyk, *Ciężary ludności wiejskiej i miejskiej na prawie niemieckim w Polsce XIII i XIV w.* (Burdens of the rural and the urban population according to the German law patterns in Poland in the 13<sup>th</sup>-14<sup>th</sup> c.), *PH* 11, 1911, pp. 19 ff; R. Heck, in: *Historia chłopów polskich* (History of Polish peasantry), Vol. I, Warszawa 1970, pp. 171 ff, 188 ff.

<sup>74</sup> J. Hatcher, M. Bailey, *Modelling the Middle Ages. The History and Theory of England's Economic Development*, Oxford – New York 2001, pp. 121 ff; cf. R. H. Britnell, *The Commercialisation of English Society 1000-1500*, Cambridge 1993; *A Commercialising Economy. England 1086 to c. 1300*, Manchester 1995; J. Maschaele, *Peasants, Merchants and Markets*, London 1997; R. Hodges, *Primitive and Peasant Markets*, Oxford 1988.

<sup>75</sup> I develop the issue in the work: *Commercialisation as a mechanism of Europeanisation of peripheries, based on the example of Poland*. It is prepared within the framework of a grant from the Committee of Scientific Research "Development of the West as a result of relations with the Polish lands and entire Central-Eastern Europe in the 13<sup>th</sup>-16<sup>th</sup> c."

<sup>76</sup> Cf., e.g., the analysis of fiscal conditions of policy of Emperor Friedrich I Barbarossa: J. Fried, *Die Wirtschaftspolitik Friedrich Barbarossas*, *Blätter für Deutsche Landesgeschichte* 120, 1984, pp. 195-239; H. Keller, *Zwischen regionaler Begrenzung und universalem Horizont. Deutschland im Imperium der Salier und Staufer 1024-1250*, Berlin 1986, pp. 434 ff.

Although the beginnings of mintage in Poland took place as early as the time of the first monarchy, this mintage had – as recently demonstrated by Stanisław Suchodolski – feeble foundations; it rather had prestigious aims and was limited to the period of the rule of Bolesław the Brave (Chrobry). It ceased to exist c. 1020.<sup>77</sup> It was only the rule of Bolesław the Bold (Śmiały) that brought permanent mintage, and it was done from the beginning on a broad scale. The currency was deficient, and the contents of silver steadily decreased. Fiscal reasons are evident here.<sup>78</sup> The standard of coins of Władysław Herman significantly improved, and the scale of issues was still considerable. A rapid transition to the mass issue of bullion currency displays features of forced monetisation via planned reforms. These reforms were first aimed at compelling the subjects to use money in contacts with the supreme power and thus at increasing the ruler's revenues. This was the chief role of mintage in the course of the 12<sup>th</sup>-13<sup>th</sup> c. and it remained like that to the time of the Grosch reform. The rule of Bolesław the Wry-mouthed (Krzywousty) is related to the notion of periodic exchange of currency – *renovatio monetae*. It was done according to a fixed exchange rate, which was more or less unfavourable for the population. The system of exchange was intensified already by Władysław II the Exile (Wyganiec).<sup>79</sup> Mieszko III the Old (Stary) increased its frequency and commenced a mass issue of one-sided bracteates in the 1170s. The fiscal mechanism was described in the Chronicle of Magister Wincenty.<sup>80</sup>

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<sup>77</sup> S. Suchodolski, Najdawniejsze monety polskie jako źródło dające poznać dzieje pierwszej monarchii (The earliest Polish coins as a source for the history of the first monarchy), in: *Aetas media, aetas moderna. Studia ofiarowane Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin* (Aetas media, aetas moderna. Studies offered to Henryk Samsonowicz on his 70<sup>th</sup> birthday), Warszawa 2000, pp. 299-309; id., Początki rodzimego mennictwa (Beginnings of indigenous mintage), in: *Ziemie polskie w X wieku i ich znaczenie w kształtowaniu się nowej mapy Europy* (The Polish lands in the 10<sup>th</sup> c. and their significance in the formation of a new map of Europe), Kraków 2000, pp. 351-360.

<sup>78</sup> S. Suchodolski, Mennictwo polskie w XI i XII w. (Polish mintage in the 11<sup>th</sup>-12<sup>th</sup> c.), Wrocław 1973, pp. 37 ff, pp. 53 ff, pp. 79 ff, pp. 98 ff; id., *Polityka mennicza a wydarzenia polityczne w Polsce we wczesnym średniowieczu* (Mintage policy and political events in Poland in the early Middle Ages), in: *Spółczesność Polski średniowiecznej* (Society of medieval Poland), Vol. VI, Warszawa 1996, p. 39 ff.

<sup>79</sup> Ibid., p. 41 ff; S. Suchodolski, Mennictwo, p. 105 ff; cf. B. Paszkiewicz, *Pieniądz górnośląski w średniowieczu* (Upper Silesian currency in the Middle Ages), Lublin 2000, p. 25 ff.

<sup>80</sup> *Magistri Vincentii dicti Kadłubek Chronica Polonorum*, lib. IV, cap. 2, ed. by M. Plezia, *Monumenta Poloniae historica, series nova*, Vol. XI, Kraków 1994, pp. 130 ff.; cf. S. Suchodolski, *Polityka mennicza*, pp. 47 ff; S. Trawkowski, *Obieg a renowacja monety w Polsce na przełomie XII i XIII wieku* (Circulation and exchange of currency in Poland at the turn of the 12<sup>th</sup> and the 13<sup>th</sup> c.), in: *Nummus et historia. Pieniądz Europy średniowiecznej* (Nummus et historia. Currency of medieval Europe), Warszawa 1985, pp. 111-118; M. Plezia, *W sprawie częstotliwości wymiany monety w Polsce* (On the fre-



A regular exchange, which usually meant a literal robbery of financial resources of the subjects and was done even twice a year (or even more often), must have been based upon a strict control over the regular network of markets in the entire territory of the country. There are no unequivocal premises to propose a more precise date of its establishment. A certain number of places of exchange must have existed since the pre-state period, but their transformation into a network was rather not an evolutionary process. One can hypothetically relate its origin to the beginnings of mintage during the rule of Bolesław II. Anyway, it must have come into existence in the first half of the 12<sup>th</sup> c. at the latest. Tadeusz Lalik estimated the number of markets at c. 200 (excluding Pomerania).<sup>81</sup> The institution of the tavern also had its share in the system of control over the exchange.<sup>82</sup> The *renovatio* in Poland of the 12<sup>th</sup> c. took place in the circumstances of centralisation of currency issue. S. Suchodolski attempted at estimating the amount of silver necessary to serve the exchange of former coins into new ones and the scope of organisational effort of mint-masters. The number of mint-masters had to be at least a dozen or so. Quick and efficient exchange required earlier preparation of a new issue and a considerable amount of silver.<sup>83</sup> Therefore, a significant share of Jewish specialists in the mintage of Mieszko the Old is not surprising. Out of 68 types of coins, 16 had Latin inscriptions while 52 had Hebrew ones.<sup>84</sup>

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quency of currency exchange in Poland), *Wiadomości Numizmatyczne* 29, 1985, Nos. 3-4, pp. 221-222; recently W. Kopicki, *Polskie brakteaty guziczkowe 2 poł. XIII w. – 1 poł. XIV w. Próba interpretacji* (Polish button bracteates of the 2<sup>nd</sup> half of the 13<sup>th</sup> – the 1<sup>st</sup> half of the 14<sup>th</sup> c. Attempt at interpretation), Warszawa 1997, pp. 16 ff.

<sup>81</sup> T. Lalik, *Targ (Market)*, SSS VI (1977), pp. 25-32; id., *Märkte des 12. Jahrhunderts in Polen*, *Ergon* 3, 1962, pp. 364-367; cf. K. Buczek, *Targi*, pp. 37 ff; M. Młynarska-Kaletynowa, *Targ na Zielone Świątki (Pentecost Market)*, *KHKM* 15, 1967, pp. 25-32; ead., *Zur Bedeutung von Plätzen/Märkten im Staatsbildungsprozeß bei den Westslawen* (as in footnote 5), pp. 51-59 (with further reading).

<sup>82</sup> L. Cieślowska, *Tawerna wczesnośredniowieczna w Polsce wieku X-XII (Early medieval tavern in Poland in the 10<sup>th</sup>-12<sup>th</sup> c.)*, *Studia Wczesnośredniowieczne* 4, 1958, pp. 159-222; ead., *Karczma (Tavern)*, SSS II, pp. 373-375; S. Trawkowski, *Taberny plockie na przełomie XI i XII wieku (Plock taverns at the turn of the 11<sup>th</sup> and the 12<sup>th</sup> c.)*, *PH* 53, 1962, pp. 731-744.

<sup>83</sup> S. Suchodolski, *Mennictwo*, pp. 105 ff; cf. R. Kiersnowski, *Wstęp do numizmatyki polskiej wieków średnich (Introduction to Polish numismatics of the Middle Ages)*, Warszawa 1964, pp. 177 ff.

<sup>84</sup> W. Kopicki, *Polskie brakteaty*, p. 16. He also included dubious coins; cf. D. Gorlińska, *Ikonoграфия monet Mieszka III Starego (Iconography of coins of Mieszko III the Old)*, P. 1, *Wiadomości Numizmatyczne* 45, 2001, fasc. 1 (171), pp. 1-22, P. 2, *ibid.*, fasc. 2 (172), pp. 113-142 – the author included 56 types of coins, but without giving the number of coins with Hebrew inscriptions.

This system of fiscal renovation of currency was adapted in all probability from Germany.<sup>85</sup> Denars of the period of the Ottons and the Salians were mainly used to serve the needs of long-distance trade (*Fernhandelspfennig*). Their inflow to Northern and Central-Eastern Europe broke down after 1100. In the course of the 11<sup>th</sup> c. (first in the west of the Empire) it came to regionalisation of mintage. This was both related to the development of local markets and to the proceeding consolidation of territorial rules. It was accompanied with the rise of the principle of a limited reach of currency circulation, the ban on foreign coins and compulsory exchange of foreign coins into local ones since the early 12<sup>th</sup> c.<sup>86</sup> Earlier than in Poland, i.e., during the reign of András I (1046-1060), the exchange of currency was introduced in Hungary.<sup>87</sup> In Bohemia it is testified to since 1118.<sup>88</sup> C. 1130 bracteates appeared – not in the entire territory of the Empire, but only in its eastern part: in the region of Harz, Thuringia, Meissen and Magdeburg, as well as farther off to the north and the east. Furthermore, they appeared in Bohemia, Poland and the Scandinavian countries. In western and southern regions of the Empire denars were still minted.<sup>89</sup> In Poland bracteates appeared in the mintage of Bolesław the Wry-mouthed in the 1130s.<sup>90</sup> This type of currency is related to the underdevelopment of money economy,<sup>91</sup> but I believe that its spread was also caused by the opportunity of a better control of the money market by the ruler. Bracteates provided small change, which was appropriate for transactions in the local market. Their exchange required smaller amount of silver. The gain consisted not in depreciating the standard of silver (although it also

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<sup>85</sup> P. Spufford, *Money and its Use in Medieval Europe*, Cambridge 1988, pp. 91 ff; according to this author, the exchange of currency first appeared in England (pp. 87 ff).

<sup>86</sup> A. Suhle, *Deutsche Münz- und Geldgeschichte von den Anfängen bis zum 15. Jahrhundert*, Berlin 1955, pp. 39 ff; M. van Rey, *Einführung in die rheinische Münzgeschichte des Mittelalter*, Mönchengladbach 1983, pp. 61 ff, pp. 111 ff; B. Kluge, *Deutsche Münzgeschichte von den späten Karolingerzeit bis zum Ende des Salier (ca. 900 bis 1125)*, Sigmaringen 1991, pp. 63 ff; K. Petry, *Monetäre Entwicklung und wirtschaftliche Beziehungen des oberlothringischen Raumes vom Anfang des 6. bis zur Mitte des 12. Jahrhunderts*, Trier 1992, pp. 121 ff; B. Spenger, *Das Geld der Deutschen. Geldgeschichte Deutschlands von den Anfängen bis zur Gegenwart*, 3<sup>rd</sup> ed., Paderborn 2002, pp. 51 ff.

<sup>87</sup> P. Engel, *The Realm of St. Stephen. A History of Medieval Hungary, 895-1526*, London 2001, p. 63.

<sup>88</sup> Suchodolski, *Mennictwo*, pp. 115 ff.

<sup>89</sup> A. Suhle, *Deutsche Münz- und Geldgeschichte*, pp. 77 ff; E. Nau, *Münzen und Geld in der Stauferzeit*, in: *Die Zeit der Staufer. Geschichte – Kunst – Kultur*, Vol III, Stuttgart 1977, pp. 87-102; P. Spufford, *Money*, pp. 104 ff; R. Kiersnowski, *Pradzieje grosza (Prehistory of the Grosch)*, Warszawa 1975, pp. 14 ff.

<sup>90</sup> S. Suchodolski, *O brakteatach z czasów Bolesława Krzywoustego i roli kultu św. Wojciecha w Polsce (Bracteates from the times of Bolesław the Wry-mouthed and the role of the cult of St Wojciech (Adalbert) in Poland)*, *Wiadomości Numizmatyczne* 3, 1959, fasc. 3-4, pp. 147-167.

<sup>91</sup> *Ibid.*, pp. 25 ff.

occurred), but in a steady necessity of unfavourable exchange. Obviously, in international trade and generally in larger transactions non-monetary silver or only weighed silver was used.<sup>92</sup> The exchange therefore first of all concerned lower social groups which operated in the local market. This kind of commercialisation, necessitated by the need to pay dues, fines and payments in valid currency or to purchase salt, no question had a strongly differentiating impact on the society. It limited the influence of the market and it favoured both escape from the coins when it was not necessary to use them and further use of non-bullion forms of currency.<sup>93</sup> The acceleration of monetisation of the European economy in the 12<sup>th</sup> c. provoked a tendency to save monetary means in the peripheries of the continent. This both concerned the exploited subjects and the rulers, whose need for money in order to satisfy their prestige luxury consumption requirements steadily increased. In these circumstances, a natural reaction to the commercialisation of the mechanisms of power was to save means via restoration and extension of service duties within the framework of the ducal law and the treasury's monopolies based on the reception of the concept of regalia, which was specified in the 12<sup>th</sup> c.

The German colonisation, with its tendency to intensify grain and money rents, provided an opportunity to additionally increase the incomes. A risk of damage to the profits of the extensive system of the ducal law burdens was to be liquidated by a separation of new settlers from the native population.<sup>94</sup> The spread of the colonisation may be considered a response to the progressing commercialisation.<sup>95</sup> Its model originated from the organisational experiences of German duchies and rules, which consolidated in the conditions of incessant rivalry. These experiences were adjusted to the needs of lesser developed territories in the eastern part of Germany. I relate

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<sup>92</sup> R. Kiersnowski, *Srebro czyste i najczystsze w Polsce średniowiecznej* (Pure and the purest silver in medieval Poland), *Archeologia Polski* 16, 1971, pp. 667-677; M. Dygo, *Marcae argenti puri. Przyczynek do cyrkulacji srebra w Małopolsce i na Śląsku w XIII-XIV w.* (*Marcae argenti puri. Contribution to the circulation of silver in Lesser Poland and in Silesia in the 13<sup>th</sup>-14<sup>th</sup> c.*), *PH* 69, 1978, pp. 405-417.

<sup>93</sup> J. Sztetyło, *Pieniądz pozakruszcowy* (Non-bullion currency), *SSS* IV (1970), pp. 90-94; id., *Asperioles i marca cunorum* (*Asperioles and marca cunorum*), *Wiadomości Numizmatyczne* 12, 1968, pp. 87-104.

<sup>94</sup> B. Zientara, *Henryk Brodaty i jego czasy* (*Henryk the Bearded and his times*), Warszawa 1975, pp. 134 ff, pp. 171 ff, pp. 191; this principle was commonly applied, cf. J. M. Piskorski, *Kolonizacja wiejska Pomorza Zachodniego w XIII i w początkach XIV w. na tle procesów osadniczych w średniowiecznej Europie* (*Rural colonisation of Western Pomerania in the 13<sup>th</sup> and the early 14<sup>th</sup> c. against the background of settlement processes in medieval Europe*), Poznań 1990, pp. 76 ff.

<sup>95</sup> S. Gawlas, *Znaczenie kolonizacji niemieckiej dla rozwoju gospodarczego Śląska* (*Significance of the German colonisation for the economic development of Silesia*), in: *Korzenie środkowoeuropejskiej i górnośląskiej kultury gospodarczej* (*Roots of Central European and Upper Silesian economic culture*), Katowice 2003, pp. 40 ff.

this to the principle of holistic development of entire settlement complexes (the so-called Stadt-Landkolonisation), with the market settlement (*villa forensis*) as their administrative and economic centre.<sup>96</sup> Obviously, this type of colonisation fulfilled various functions. Until now, I have been disgusted with such functions being unilaterally reduced to settlement issues and I have tended to underline their systemic significance as a basis for the development of *Weichbilder* and a tool to modernise the ducal power.<sup>97</sup> It seems, however, that B. Zientara was to a considerable degree right. Already in the title of his paper from 1973 he suggested a significance of this model for the commercialisation of incomes via the organisation of local markets.<sup>98</sup> Wichman Archbishop of Magdeburg is considered one of the founders of these principles, and a classical example is his charter from 1174, concerning the organisation of *provincia Iutterbogk*.<sup>99</sup> The model of “Stadt-Landkolonisation” created conditions for an increase in incomes by providing peasant households with market opportunities. It was accompanied with an increase in agriculture productivity due to the use of the three-field system and an increased role of cereals. This was related to the nature of rents, paid partially in triple (or quadruple) grain and partially in cash.<sup>100</sup> Wichman was carrying out a large-scale policy, he steadily needed money, minted his own bracteates and exchanged the currency twice a year.<sup>101</sup>

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<sup>96</sup> J. J. Menzel, Stadt und Land in der schlesischen Weichbilderverfassung, in: Die mittelalterliche Städtebildung im südöstlichen Europa, Köln 1974 (Städteforschung A-4), pp. 19-38.

<sup>97</sup> Cf. S. Gawlas, O kształt, pp. 53 ff (with further reading).

<sup>98</sup> B. Zientara, Z dziejów organizacji rynków w średniowieczu. Ekonomiczne podłoże “weichbildów” w arcybiskupstwie magdeburskim i na Śląsku w XII-XIII w. (History of the organisation of markets in the Middle Ages. The economic background of the “Weichbilder” in the Archbishopric of Magdeburg and in Silesia in the 12<sup>th</sup>-13<sup>th</sup> c.), PH 64, 1964, pp. 681-694.

<sup>99</sup> Urkunden und erzählende Quellen zur deutschen Ostsiedlung im Mittelalter, ed. by H. Helbig, L. Weinrich, Vol. I, Darmstadt 1968, No. 13, pp. 78-81 (quotation from p. 78).

<sup>100</sup> H. Dąbrowski, in: Zarys historii gospodarstwa wiejskiego w Polsce (An outline of history of rural household in Poland), Vol. I, Warszawa 1964, p. 403; R. Heck, in: Historia chłopów, pp. 190 ff; J. J. Menzel, Die schlesischen Lokationsurkunden des 13. Jahrhunderts. Studien zum Urkundenwesen, zur Siedlung-, Rechts- und Wirtschaftsgeschichte einer ostdeutschen Landschaft im Mittelalter, Würzburg 1977, pp. 235 ff; J. M. Piskorski, Kolonizacja wiejska, pp. 193 ff.

<sup>101</sup> D. Claude, Geschichte des Erzbistums Magdeburg bis in das 12. Jahrhundert, Vol. II, Köln 1975, pp. 71 ff; Erzbischof Wichmann (1152-1192) und Magdeburg im hohen Mittelalter. Stadt – Erzbistum – Reich, Magdeburg 1992 (especially M. Puhle, Zur Münzpolitik Erzbischof Wichmanns, pp. 74-79 – he mentions 72 types of coins known so far); bracteates were first minted by Archbishop Konrad I (1134-1142) – A. Suhle, Deutsche Münz- und Geldgeschichte, pp. 79 ff, pp. 91 ff; cf. W. Garbaczewski, Monety arcybiskupów magdeburskich a ikonografia brakteatów piastowskich (Coins of Archbishops of Magdeburg and the iconography of the Piast bracteates), Wiadomości Numizmatyczne 46, 2002, fasc. 2 (174), pp. 113-142.

The Polish dukes were introducing this model within the still operating *renovatio* system, whose profits they monopolised. It was only exceptionally that the right to mint their own coins (*moneta specialis*) appeared in a grant from Władysław Odonic for the monastery of Lubiąż in 1233, concerning a planned settlement near Nakło. The settlement was referred to as *civitas* and was supposed to be the centre of a settlement complex of 2000 hides.<sup>102</sup> In a confirmation of the grant of 3000 hides near Wieleń in 1239 three *forenses civitates cum moneta speciali*, together with the gain *de moneta, seu de theloneo, sive de argento, auro, plumbo, ferro si forte ibi invenitur* were mentioned. This was done according to the principles applied by Henryk the Bearded near Złotoryja.<sup>103</sup> There are some further examples of similar grants which may be related to plans or the actual colonisation activity, e.g., grants for the Cistercians of Łekno (1255), for the Bishopric of Poznań concerning the estates around Krobia (1232), the village of Buk, which was possibly to be located according to the German law patterns (1257) or the estates of the Archbishopric of Gniezno in Żnin (1284).<sup>104</sup> Such grants, however, were exceptional in their nature and they were probably aimed at supporting building activity by the dukes.<sup>105</sup> The popularity of the model of the market-rural colonisation suggests that its genesis was much broader than the sole activity of the prominent archbishop. Both the principles of colonisation, which encompassed, e.g., organisation of a market settlement, compulsory three-field system or minting of bracteates, as well as earlier Polish markets, resulted from a similar fiscal way of thinking. In the 13<sup>th</sup> c. these principles were not particularly modern, but they were still valid. Regrettably, there are significant difficulties with the identification of bracteates and they considerably limit the opportunities of a closer examination of the ducal mintage policy and its adjustment to the intensification of money-commodity economy.<sup>106</sup> The control over the circulation of money and the fiscal function of mintage still defined the framework of the develop-

<sup>102</sup> Schlesisches Urkundenbuch, Vol. I, ed. by H. Appelt, Vols. II-VI, ed. by W. Irgang, Wien-Köln-Graz 1963-1998 (henceforth as: SUB), here Vol. II, No. 37.

<sup>103</sup> Ibid., No. 161, cf. also No. 160; see B. Zientara, Henryk Brodaty, p. 183 and S. Gawlas, *Polityka wewnętrzna Przemysła II a mechanizmy społecznych dążeń i konfliktów w Wielkopolsce jego czasów* (Internal policy of Przemysł II and the mechanisms of social aspirations and conflicts in Greater Poland of his time), in: *Przemysł II. Odnowienie Królestwa Polskiego* (Przemysł II. Restitution of the Kingdom of Poland), Poznań 1997, pp. 69 ff (with further scholarship and remarks on the authenticity of privileges of Władysław Odonic).

<sup>104</sup> S. Suchodolski, *Moneta możnowładcza i kościelna w Polsce wczesnośredniowiecznej* (Coins of magnates and of the Church in early medieval Poland), Wrocław 1987, pp. 90 ff, pp. 94 ff, pp. 96 ff; cf. also S. Gawlas, *Polityka wewnętrzna*, pp. 78 ff.

<sup>105</sup> S. Suchodolski, *Moneta możnowładcza*, pp. 88, pp. 73 ff, pp. 78 ff, pp. 97 ff, pp. 107 ff.

<sup>106</sup> The data are more precise for Silesia only: B. Paszkiewicz, *Mennictwo śląskie wobec "rewolucji handlowej XIII wieku* (Silesian mintage and the "commercial revolution" of the 13<sup>th</sup> c.), in: *Kultura średniowiecznego Śląska i Czech. "Rewolucja" XIII wieku* (Culture

ment of towns in the location period. Both these phenomena survived to the time of the Grosch reform of the late 13<sup>th</sup> c.

In scholarly literature the origin of locations of new towns is related to market privileges, which reach as far back as the late Carolingian period.<sup>107</sup> In the 12<sup>th</sup> *bastide* or *burgus* type settlements in Western Europe were first of all of commercial nature.<sup>108</sup> Also in the area to the east of the Elbe, including Brandenburg, the first locations (e.g., Brandenburg or Stendal) had the nature of *villa fori*.<sup>109</sup> Founded centres transformed into *civitates* after a period of time, although it was not a rule. Features of patterns which were applied in the eastern part of the Empire have long been known.<sup>110</sup> They corresponded to a limited scope of the first Polish locations and locations of small towns in general.<sup>111</sup> These features, however, are not sufficiently taken into consideration in regional research. Initially, locations chiefly concerned territories under colonisation. Large-scale grants of arable land corresponded to trade-commercial functions and they became a steady element of urban locations.<sup>112</sup>

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of medieval Silesia and Bohemia. The “revolution” of the 13<sup>th</sup> c.), Wrocław 1998, pp. 35-49; id., Pieniądz górnośląski (Upper Silesian currency).

<sup>107</sup> T. Endemann, *Markturkunde und Markt in Frankreich und Burgund vom 9. bis 11. Jahrhundert*, Konstanz 1964; recently E. Engel, *Die deutsche Stadt des Mittelalters*, München 1993, pp. 17 ff; ead., *Wege zur Mittelalterlichen Stadt*, in: *Burg – Burgstadt* (as in footnote 5), pp. 9-26.

<sup>108</sup> E. Ennen, *Die sog. “Minderstädte” im mittelalterlichen Europa*, in: ead., *Gesammelte Abhandlungen zum europäischen Städtewesen und zur rheinischen Geschichte*, Vol. II, Bonn 1987, pp. 70-85; T. Rosławowski, *Z zagadnień porównawczych*; S. Gawlas, *O kształt*, p. 26 ff (with further reading); id., *Ulica*, pp. 7 ff; cf. footnote 39.

<sup>109</sup> W. Schich, *Berlyn*, pp. 108 ff; id., *Die Gründung von deutschrechtlichen Markorten und Städten östlich der Elbe im 12. und 13. Jahrhundert*, in: *Hausbau und Raumstruktur früher Städte in Ostmitteleuropa*, Praha 1996 (*Památky archeologické, Supplementum 6*), pp. 7-16.

<sup>110</sup> A rudimentary analysis was carried out by W. Schlesinger, *Forum, villa fori, ius fori*. Einige Bemerkungen zu Marktgründungen des 12. Jahrhunderts aus Mitteldeutschland, in: *Altständisches Bürgertum*, Vol. I, Darmstadt 1978, p. 304-345; id., *Der Markt als Frühform der deutschen Stadt*, in: *Vor- und Frühformen der europäischen Stadt im Mittelalter*, Göttingen 1973, pp. 262-293; recently W. H. Fritze, *Gründungsstadt Berlin. Die Anfänge von Berlin als Forschungsproblem*, Potsdam 2000, pp. 92 ff.

<sup>111</sup> T. Lalik, *Geneza sieci*, pp. 124 ff, pp. 130 ff.

<sup>112</sup> A. Wędzki, *Początki*, pp. 211 ff; J. J. Menzel, *Stadt und Land*, pp. 35 ff; H. J. Reimers, *Die Stadtdörfer der mittelalterlichen Ostsiedlung in Polen*, Marburg / Lahn 1976, pp. 94 ff; A. Berdecka, *Wielkość i parcelacja gruntów miast zakładanych w latach 1333-1370 w Małopolsce* (Size and parcelling of land estates of towns located in Lesser Poland in 1333-1370), *KHKM 24*, 1976, pp. 553-566; ead., *Lokacje i zagospodarowanie miast królewskich w Małopolsce za Kazimierza Wielkiego (1333-1370)* (Locations and development of royal towns in Lesser Poland during the rule of Kazimierz the Great (1333-1370)), Wrocław 1982, pp. 44 ff; J. M. Piskorski, *Miasta*, pp. 108 ff; B. Krasnowolski, *Lokacyjne układy*, pp. 223 ff.

As it is known, it was Henryk the Bearded (1202-1238) who undertook the German colonisation on a broad scale from the beginning of his rule, according to the afore-mentioned holistic model. An increase in significance of the Magdeburg law, a growing independence of burghers within the framework of this legal system and its impact on the *ius fori* were perhaps the reasons for the conflict of this Duke with Magdeburg. For the same reason, in 1223-1229 Duke Henryk undertook a large scale settlement experiment based upon Środa Śląska.<sup>113</sup> As the Flemish law, which was applied there, perhaps turned out to be insufficient, in 1235 the Duke turned for legal instructions to Halle, instead of Magdeburg.<sup>114</sup> These instructions included rules governing the main issues of the urban commune. However, the institution of the communal self-government was unknown in the Środa Śląska law and this legal system granted limited competences to commune mayors with regard to criminal law. In the 13<sup>th</sup> c. it was an efficient tool in the hands of great property. At the end of that century it attracted attention of Archbishop Jakub Świnka. In the estates of the Archbishopric of Gniezno and the Bishopric of Poznań the Środa Śląska law was further limited and better adjusted to the needs of great ecclesiastical property by means of ignorance clauses.<sup>115</sup> In the 14<sup>th</sup> c. it was still commonly used in Poland.<sup>116</sup> On the other hand, it was already Kazimierz the Great who commenced to give it up and we know 6 cases of change of the status of royal towns from the Środa Śląska into the Magdeburg law.<sup>117</sup>

It is remarkable that the first locations according to the Środa Śląska law implied the origin of a market settlement and not a town.<sup>118</sup> Środa Śląska itself has pre-

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<sup>113</sup> B. Zientara, Henryk Brodaty, pp. 177 ff; Z. Zdrójkowski, Geneza prawa średzkiego i jego rola dziejowa (1223-1511) (A genesis of the Środa Śląska law and its historical significance (1223-1511)), in: Studia z dziejów Środy Śląskiej, regionu i prawa średzkiego (Studies on the history of Środa Śląska, its region and the Środa Śląska law), Wrocław 1990 (Acta Universitatis Wratislaviensis, Historia 70), pp. 53-67; also R. Żerelik, Uwagi nad dziejami Środy Śląskiej w średniowieczu (Remarks on the history of Środa Śląska in the Middle Ages), *ibid.*, pp. 35-51.

<sup>114</sup> SUB II, No. 104.

<sup>115</sup> J. Matuszewski, Die Ignoranzklausel der Schultheißprivilegien, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung 93, 1976, pp. 154-183; *id.*, Motywacja ignorancyjna w dokumentach prawa niemieckiego (Ignorance motivations in charters of the German law), in: Studia historica w 35-lecie pracy naukowej Henryka Łowmiańskiego (Studia historica on the 35<sup>th</sup> anniversary of scholarly work of Henryk Łowmiański), Warszawa 1958, pp. 167-179; Z. Zdrójkowski, Geneza prawa, p. 64.

<sup>116</sup> Z. Zdrójkowski, Lokacje osad targowych klasztornych i miast na prawie średzkim (1223-1477) (Locations of market settlements of monasteries and towns according to the Środa Śląska law (1223-1477)), in: Studia z dziejów Środy (as in footnote 113), pp. 215-242.

<sup>117</sup> S. Gawlas, Uwagi o polityce miejskiej Kazimierza Wielkiego (Remarks on the urban policy of Kazimierz the Great), in: Aetas media (as in footnote 77), pp. 33 ff.

<sup>118</sup> SUB I, No. 225: in Ujazd, a *locus forensis* was to be located according to the Środa Śląska law (1223); *ibid.*, No. 297: in Zarzysko – a *forum liberum* (1228); *ibid.* II, No. 322: in

served the layout based upon a large street until the present day. In a paper published some years ago I attempted at demonstrating that in the High Middle Ages the market street had been a basic spatial solution of *villae forenses* and early locations in general.<sup>119</sup> I therefore supposed that this type of layout may have been present in Poland much earlier and it may have accompanied the spread of the Środa Śląska law. Later on, in line with the development of the location model and the strenuous transformation of centres which were coming into existence, this type of layout may have been replaced with checkerboard-block layouts. I still believe that this phenomenon was real, but I will not express this opinion in such a strong way. This opinion may be supported with broad comparative data from nearly entire Europe (including Meissen and Brandenburg), and these data may still be multiplied.<sup>120</sup> In the Empire, especially in its southern part, the layout based upon the main street was still productive in the 13<sup>th</sup> c.<sup>121</sup> For Poland, however, the documentation of urban plans is not complete enough and possible examples are worryingly too few. They concern the late Middle Ages and it is difficult to directly related them to the Środa Śląska law.<sup>122</sup> Furthermore, layouts which are based upon the street are often remains of the layouts of earlier rural settlements.<sup>123</sup> This cannot be a matter of incident. The spatial layout

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Krzyżanowice – a *villa forensis* (1247); cf. Z. Zdrójkowski, *Lokacje*, pp. 222 ff (with further source data); R. Żerelik, *Uwagi*, pp. 36 ff.

<sup>119</sup> S. Gawlas, *Ulica*, pp. 3-24.

<sup>120</sup> Cf., e.g., J. Schoffield, A. Vince, *Medieval Towns*, pp. 28 ff; J. Bradley, *The Role*, pp. 39-59; T. R. Slater, *English Medieval Towns*, pp. 60-82.

<sup>121</sup> H.-J. Nitz, *Die mittelalterlichen Gründungsanlagen von Freiburg i. Br. und Heidelberg. Metrologische Analyse und Interpretation*, in: *Aus Landesgeschichte und Landeskunde. Festschrift für Meinrad Schraab*, Stuttgart 1999, pp. 79-112, here p. 82: “Es kann also keine Rede davon sein, daß dieser Grundrisstyp städtebaulich weniger zweckmäßig war als der Schachbrettgrundriß mit kompakt-rechteckigen Zentralmarkt. Das beweist seine bis ins 14. Jh. anhaltende Bevorzugung in Süddeutschland. Der langrechteckige Markt- platz, in seiner besonders langen und schmalen Ausführung als Marktstraße, hatte m. E. sogar den Vorzug, daß auf ihm nebeneinander die verschiedenen Handelssparten übersichtlich angeordnet werden konnten.”

<sup>122</sup> E.g., H. Münch, *Geneza miast wielkopolskich XIII i XIV w. (A genesis of Greater Poland's towns of the 13<sup>th</sup> and the 14<sup>th</sup> c.)*, Kraków 1946, Plate 39: Mogilno (located in 1398), Plate 5: Czemiń (before 1403), Plate 31: Kórnik (before 1450), Plate 47: Pakość (1359). The town plan of Malbork was based on the market street, see recently A. Chęć, *Średnio-wieczne fortyfikacje miejskie Malborka (Medieval town fortifications of Malbork)*, in: *Archaeologia Historica Polona*, Vol. XIII, Toruń 2003, pp. 237-242; A. Czacharowski, R. Czaja, *Malbork, Atlas historyczny miast polskich*, Vol. 1, fasc. 1, Toruń 2003.

<sup>123</sup> M. Kulesza, *Ślady wczesnomiejskich osad targowych w planach niektórych miast Wschodniej Wielkopolski (dawna ziemia łęczycka i sieradzka) (Traces of early urban market settlements in the plans of some towns of Eastern Greater Poland (the former lands of Łęczyca and Sieradz)*, in: *Zagadnienia geografii historycznej osadnictwa w Polsce (Issues of the historical geography of settlement in Poland)*, Toruń 1994, pp. 89-101; id., *Morfogeneza miast na obszarze Polski Środkowej. Dawne województwa łęczyckie i*



of Środa Śląska is still quite mysterious in this context; it seems to be a rather rare exception and the state of knowledge allows for various interpretations.<sup>124</sup> It is even possible that the extant town was delineated only after its destruction by Bolesław Rogatka – analogously to the Bohemian town of Domažlice, which was founded after 1260.<sup>125</sup> However, I believe that a much earlier origin of the plan of the town is more plausible and I suppose that as early as the second quarter of the 13<sup>th</sup> c. the layout which was based on the rectangular market square may have been applied on a broader scale for small market settlements as well.<sup>126</sup>

Investigation of transformations of the location pattern is rendered difficult by the lack of a comprehensive analysis of source terminology. This terminology is not a very firm basis; however, it must not be neglected or considered incidental.<sup>127</sup> Based on extant specifications,<sup>128</sup> it is possible to say that the source evidence for such terms as *villa forensis*, *locum (oppidum) forense*, *forum liberum*, etc. is relatively sparse for Poland, especially in comparison with a small scale of most locations. Also in the case of grants of the Środa Śląska law, which no doubt generally did not refer to developed locations, but rather to market and agricultural small towns (as it is implied by the very name of *Novum Forum*), the term *civitas* seems to prevail since the mid-13<sup>th</sup> c.<sup>129</sup> The afore-mentioned legal instructions from 1235 raised its

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sieradzkie (A morphogenesis of towns in the area of Central Poland. The former Voivodeships of Łęczyca and Sieradz), Łódź 2001, pp. 106 ff.

<sup>124</sup> This issue was comprehensively discussed by R. Eysymont, M. Goliński, Środa Śląska, Atlas historyczny miast polskich, Vol. IV, fasc. 2, Wrocław 2003, pp. 7 ff.

<sup>125</sup> Cf. S. Gawlas, *Nova Civitas in Okol*. Fragment z dziejów Krakowa (*Nova Civitas in Okol*. A sketch from the history of Kraków), in: Społeczeństwo Polski średniowiecznej (Society of medieval Poland), Vol. VI, Warszawa 1996, pp. 104-105; V. Razím, Přemyslovské hradby města Domažlic (Town walls of the town of Domažlice from the times of Přemysl), Časopis Národního muzea, Řada historická 158, 1989, fasc. 1-2, pp. 1-27; in Slovakia, such layouts were more frequent, cf. the slightly earlier town of Košice (see footnote 50).

<sup>126</sup> B. Schweineköper, Die Problematik von Begriffen wie Stauferstädte, Zähringerstädte und ähnlichen Beziehungen, in: Südwestdeutsche Städte im Zeitalter der Staufer, Sigmaringen 1980, pp. 95-172; id., Überlegungen zum Problem Haldensleben: Zur Ausbildung der Straßen-Gitternetzes geplanter deutscher Städte des hohen Mittelalters, in: Civitatum communitas. Studien zum europäischen Städtewesen. Festschrift H. Stob, Köln 1984, pp. 213-253. In this case, opinions of J. Pudelko are confirmed (see footnote 27).

<sup>127</sup> M. Bláňová, Terminologie sídlišť ve vyprávěcích pramenech první čtvrtiny 12. století (Terminology of settlements in legal sources of the first quarter of the 12<sup>th</sup> c.), Československý časopis historický 26, 1978, pp. 249-278; ead., Evropská sídliště v latinských pramenech období raného feudalismu (European settlement in Latin sources of the period of the early feudalism), Praha 1986; J. Kejř, Vznik, pp. 67 ff; for further reading see S. Gawlas, O kształt, footnote 405.

<sup>128</sup> Especially W. Kuhn, Die deutschrechtlichen Städte in Schlesien und Polen in der ersten Hälfte des 13. Jahrhunderts, Zeitschrift für Ostforschung 15, 1966, pp. 457-505.

<sup>129</sup> Z. Zdrójkowski, Lokacje, p. 223 ff; cf. Bohemian analogies: J. Thomas, *Civitas*.

status – perhaps it was considered sufficient by contemporary people, who reduced their expectations concerning the location. As a consequence, a difference between a foundation of a market settlement and a location of a town ceased to exist.<sup>130</sup> A popularity of the new delineation of the town plan may have also contributed to this. The issue of terminology requires a comprehensive examination. It must be said that conclusions on the date of early locations which are merely based on mentions of mayors may be misleading.

The location threshold was crossed in Poland c. 1250, i.e., at a similar time as it occurred in Hungary and Bohemia. It consisted in applying a fully developed program of the location town for the transformation of the urban network. The origin of this threshold resulted from availability of patterns. This was related to the development of the urban law in the entire region of Central Europe, proceeding privileges and independence of colonies of foreign merchants in some large urban centres and the use of the checkerboard-block layout for the consolidation of the urban space. Decisions and activities of the dukes were behind these phenomena. The origin of the checkerboard-block pattern itself is a significant and still unanswered question. There were various opportunities for a further transformation of settlements which were based upon the long market street.<sup>131</sup> They may have been completed with parallel streets or with a row of perpendicular ones, as it was the case in Elbląg (founded in 1237).<sup>132</sup> In the south of the Empire layouts based on two crossed market streets appeared c. 1200.<sup>133</sup> This type of solution can also be noted, e.g., in Neustadt (*nova civitas*) Brandenburg (the end of the 12<sup>th</sup> c.).<sup>134</sup> At a later time, a cross of streets was delineated in the layouts of the New Towns in Świdnica, Głogów<sup>135</sup> and Kraków. These new towns were small and they were not legally independent.<sup>136</sup>

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<sup>130</sup> A similar process of disappearance of this difference can be seen in Bohemia, cf. *ibid.*, pp. 20 ff.

<sup>131</sup> Cf. Gawlas, Ulica, pp. 13 ff; B. Schweiniköper, *Die Problematik*; T. Hall, *Mittelalterliche Stadtgrundrisse. Versuch einer Übersicht der Entwicklung in Deutschland und Frankreich*, Stockholm 1978, pp. 122 ff.

<sup>132</sup> R. Czaja, *Socjotopografia miasta Elbląga w średniowieczu (Sociotopography of the town of Elbląg in the Middle Ages)*, Toruń 1992, pp. 14 ff; R. Czaja, T. Nawroński, in: *Historia Elbląga (History of Elbląg)*, Vol. 1, Gdańsk 1993, pp. 71 ff.

<sup>133</sup> B. Schweiniköper, *Die Problematik*, pp. 154 ff; S. Gawlas, Ulica, p. 13.

<sup>134</sup> W. Schich, *Die Herausbildung*, pp. 218 ff; *id.*, *Die Anfänge der Neustadt Brandenburg und das Neustädter Heiliggeistspital*, Veröffentlichungen des Brandenburgischen Landesmuseums für Ur- und Frühgeschichte 31, 1997, pp. 95-110.

<sup>135</sup> M. Goliński, *Wokół socjotopografii późnośredniowiecznej Świdnicy (Issues of sociotopography of late medieval Świdnica)*, P. 1, Wrocław 2000, pp. 84 ff, pp. 111 ff; *id.*, *Czechoł a wspólnoty sąsiedzkie w średniowiecznych miastach śląskich (na przykładzie rzemiosł włókienniczych) (Bohemia and neighbour communities in medieval Silesian towns (based on the example of textile crafts))*, in: *Studia nad dziejami miast i mieszczaństwa w średniowieczu (Studies on the history of towns and burghers in the Middle Ages)*, Vol. 1, Toruń

The street-based type of the layout did not directly lead to the checkerboard-block layout with a centrally situated market square, which was typical for the developed model of the location town. Regrettably, there are few well-identified examples which provide reasonably certain data and which may support a more detailed analysis of the problem. Among them, there is, e.g., Toruń. Very interesting observations are provided by the localisation of the Toruń “island” (Werder), which has recently been specified by Krzysztof Mikulski.<sup>137</sup> It survived – due to the conservatism of the scheme of registers on wax tablets – in late medieval registers of Toruń burghers, which were prepared for taxation purposes. The Werder was the core of the settlement which was translocated from Stary Toruń in 1236. It originated near a stronghold which had been destroyed by the Prussians and which was identified with Postolsk. The Werder occupied a block of buildings to the north of St John’s church. The author assumed that “this area was used as the oldest market square in the initial period of existence of the town.” In the later period shambles were located there.<sup>138</sup> These probably remained in their original place after the trade had been moved to the market square (which originated after 1252) and to the *domus forensis* (built after 1259), i.e., the later town hall.<sup>139</sup> If the Werder was not a temporary solution only, related to the need to protect trade facilities against Prussian raids,<sup>140</sup> the almost con-

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1996, pp. 93-108. In the New Town of Wrocław (1263), which was the earliest of all the New Towns), it was a system of two pairs of crossing streets, see id., Sociotopografia późnośredniowiecznego Wrocławia (przestrzeń – podatnicy – rzemiosło) (Sociotopography of late medieval Wrocław (space – taxpayers – handicraft), Wrocław 1997, pp. 220 ff.

<sup>136</sup> B. Krasnowolski, Lokacyjne układy, pp. 121 ff; the present dating of the layout (influenced, by the way, by my criticism, which should be anyway modified with regard to some details in the light of new research – S. Gawlas, *Nova Civitas*, pp. 102 ff), i.e., 1335, is more than controversial (analogously to the entire bunch of hypotheses concerning the New Town in Kraków). The location of the New Town is rather to be dated back to the 13<sup>th</sup> c.. Concerning the crosswise layout of Kraków stalls, insightful remarks are made by P. Tyszka, *Obraz przestrzeni miejskiej Krakowa XIV-XV w. w świadomości jego mieszkańców* (Image of the urban space of Kraków in the 14<sup>th</sup>-15<sup>th</sup> c. in the awareness of its inhabitants), Lublin 2001, pp. 103 ff.

<sup>137</sup> K. Mikulski, Problem tzw. “Wyspy” toruńskiej w świetle źródeł podatkowych z końca XIV i pierwszej połowy XV w. (A problem of the so-called “Island” of Toruń in the light of tax registers from the late 14<sup>th</sup> and the first half of the 15<sup>th</sup> c.), *Zapiski Historyczne* 61, 1996, fasc. 1, pp. 7-24.

<sup>138</sup> Id., *Przestrzeń i społeczeństwo Torunia od końca XIV do początku XVIII wieku* (Space and society of Toruń from the late 14<sup>th</sup> to the early 18<sup>th</sup> c.), Toruń 1999, pp. 23 ff (quotation from p. 30); cf. T. Jasiński, in: *Historia Torunia* (History of Toruń), Vol. I, Toruń 1999, pp. 105 ff.

<sup>139</sup> *Ibid.*, pp. 152 ff; K. Mikulski, *Przestrzeń*, pp. 33 ff; E. Gąsiorowski, *Ratusz staromiejski w Toruniu w okresie średniowiecza* (The town hall of the Old Town in Toruń in the Middle Ages), Toruń 1971, pp. 88.

<sup>140</sup> K. Mikulski, *Problem*, p. 23, points to the analogies of Kwidzyn (Marienwerder) and other towns; the latter are, however, less convincing.

temporary Tyński Dwór (*Týnský Dvůr*) in Prague could be an analogy.<sup>141</sup> In such a case it may have been a sort of control over foreign merchants and long-distance trade, with possible further analogies in the Fondaco dei Tedeschi in Venice or the kontor of St Olaf (later on: St Peter's or Peterhof) in Novgorod.<sup>142</sup> Such an interpretation is supported by the role of Toruń in long-distance trade. It is not, however, the only possible interpretation. I believe that blocks in the centres of market squares of location towns are more probable points of reference for the Werder in Toruń.

At the time of its origin the Chełmno privilege was a rather conservative combination of servitorial and settlement rights.<sup>143</sup> From the very beginning it implied a foundation of a *civitas*.<sup>144</sup> The Teutonic Order made use of the Silesian experiences of Henryk Brodaty (including Środa Śląska<sup>145</sup>) and attracted many settlers from there,<sup>146</sup> offering them much better terms. In the Chełmno privilege the *renovatio* was limited to the exchange of coins every ten years (i.e., in relation to their phys-

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<sup>141</sup> M. Goliński, Ku rekonstrukcji pierwotnych funkcji Tyńskiego Dworu w Pradze (Towards the reconstruction of the original functions of the Tyński Dwór in Prague), in: Średniowieczny Śląsk (as in footnote 64), pp. 127-137, believes that there is nothing to suggest that a court of foreign merchants "may have originated earlier than the 1230s. Its establishment was possibly related to a communal reform of the settlement core of the later Old Town, which was carried out at that time. The aim of the existence of the court was to execute the so-called law of guests." (p. 137). Cf. id., Praski Tyn wobec skutków XIII-wiecznej transformacji miasta (The Prague Tyn and the results of the 13<sup>th</sup> c. transformation of the town), *ibid.*, pp. 139-145, here p. 143: "In the light of archaeological research the Tyn court was initially surrounded with a broad ditch and possibly a palisade and a wall of wooden buildings, which extended along the ditch. According to other conclusions, it was a temporary wooden fence."

<sup>142</sup> Cf. A. L. Choroškevič, Der deutsche Hof in Nowgorod und die deutsche Herberge (Fondaco dei Tedeschi) in Venedig im 13./14. Jahrhundert. Eine vergleichende Vorstudie, in: Zwischen Lübeck und Novgorod. Politik, Wirtschaft und Kultur im Ostseeraum vom frühen Mittelalter bis ins 20. Jahrhundert, Norbert Angermann zum 60. Geburtstag, Lüneburg 1996, pp. 67-87.

<sup>143</sup> M. Dygo, Studia nad początkami władztwa Zakonu Niemieckiego w Prusach (1226-1259) (Studies on the beginnings of the rule of the Teutonic Order in Prussia (1226-1259), Warszawa 1992, pp. 87 ff, pp. 159 ff.

<sup>144</sup> K. Zielińska-Melkowska, Przywilej chełmiński 1233 i 1251 (The Chełmno privilege of 1233 and 1251), Toruń 1986, pp. 34 ff.

<sup>145</sup> Z. Zdrójkowski, Geneza, pp. 64-65.

<sup>146</sup> Cf. T. Jasiński, Stosunki śląsko-pruskie i śląsko-krzyżackie w pierwszej połowie XIII wieku (Silesian-Prussian and Silesian-Teutonic relations in the first half of the 13<sup>th</sup> c.), in: *Ars historica*, Poznań 1976, pp. 393-403; id., Die Rolle des Deutschen Ordens bei der Städtegründung in Preußen im 13. Jahrhundert, in: *Stadt und Orden. Das Verhältnis des Deutschen Ordens zu den Städten in Livland, Preußen und im Deutschen Reich*, Marburg 1993, pp. 94-111; B. Zientara, Sprawy pruskie w polityce Henryka Brodatego (Prussian affairs in the policy of Henryk the Bearded), *Zapiski Historyczne* 41, 1976, fasc. 4, pp. 27-42.

ical wear), using a favourable relation of 12 new for 14 old denars.<sup>147</sup> A stipulated establishment of the town council is usually related to the influence from Lübeck, where it was a long crystallised element of the town's political system.<sup>148</sup> The original urban settlement in Toruń encompassed a relatively small area near the scarp of the River Wisła. Its layout may have also been based on a broadened main street.<sup>149</sup> An enlargement of the town in the 1250s was related to the levelling of the terrain and the delineation of the almost regular market square, where the afore-mentioned house of merchants and the town hall soon originated.<sup>150</sup> Changes which were made possible by a quick development of the town, analogously to the last translocation of Chełmno,<sup>151</sup> imply the use of specified standards of the urban space, including the centrally situated rectangular market square.

Intensification of trade exchange contributed to the origin of accompanying infrastructure. An idea of a deal in trade facilities which belonged to the ruler was a long known solution. It was known in antiquity and it was applied in various forms since the Carolingian period. It allowed for efficient fiscal control. Special buildings – halls and drapers' halls appeared in the urban space. Houses of merchants were built for the needs of long distance trade.<sup>152</sup> In Central Europe, churches were often

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<sup>147</sup> K. Zielińska-Melkowska, *Przywilej*, § 22, p. 46.

<sup>148</sup> *Ibid.*, § 5, p. 38; cf. J. Luciński, *Przywilej chełmiński z 1233 r., jego treść oraz dzieje jego postanowień* (The Chełmno privilege of 1233, its contents and the history of its stipulations), in: *Studia Culmensia historico-juridica, czyli księga pamiątkowa 750-lecia prawa chełmińskiego* (Studia Culmensia historico-juridica, or the memorial book of the 750<sup>th</sup> anniversary of the Chełmno law), Vol. I, Toruń 1990, p. 91, pp. 93 ff; B. am Ende, *Studien zur Verfassungsgeschichte Lübecks im 12. und 13. Jh.*, Lübeck 1975, pp. 211 ff; *Lübeckische Geschichte*, Lübeck 1988, pp. 106-108. The council itself came into existence slightly later, c. 1250 – T. Jasiński, in: *Historia Torunia*, Vol. I, pp. 135-136.

<sup>149</sup> K. Mikulski, *Przestrzeń*, pp. 30 ff.

<sup>150</sup> *Ibid.*, pp. 33 ff.

<sup>151</sup> J. Zobolewicz, *Układ przestrzenny średniowiecznego Chełmna* (The spatial layout of medieval Chełmno), *Zeszyty Naukowe Uniwersytetu Mikołaja Kopernika w Toruniu, Zabytkoznawstwo i Konserwatorstwo* 3, 1968, pp. 3-59; Z. H. Nowak, w: *Dzieje Chełmna. Zarys monograficzny* (History of Chełmno. A monographic outline), Poznań 1987, pp. 63 ff; *id.*, *Przyczynek do układu przestrzennego średniowiecznego Chełmna* (Contribution to research on the spatial layout of medieval Chełmno), in: *Historia i archiwistyka. Księga pamiątkowa ku czci profesora Andrzeja Tomczaka* (History and archival science. Festschrift for Professor Andrzej Tomczak), Toruń 1992, pp. 309-316.

<sup>152</sup> G. Nagel, *Das mittelalterliche Kaufhaus und seine Stellung in der Stadt. Eine baugeschichtliche Untersuchung an südwestdeutschen Beispielen*, Berlin 1971; cf. J. Le Goff, in: *La ville médiévale des Carolingiens à la Renaissance*, (Histoire de la France urbaine, Vol. II), Paris 1980, pp. 222 ff; C. Meckseper, *Kleine Kunstgeschichte der deutschen Stadt im Mittelalter*, Darmstadt 1982, pp. 162 ff, pp. 168 ff; J. Heers, *La ville*, pp. 165 ff; J. Schofield, A. Vince, *Medieval Towns*, pp. 48 ff, pp. 135 ff.

used as merchandise storehouses.<sup>153</sup> For the needs of local trade, portable banks and stalls were sufficient. These were located in the main street.<sup>154</sup> The status of foreign merchants as guests (*hospites*) enabled the ruler to take them under his protection and gave him extensive rights of control over them.<sup>155</sup> In 12<sup>th</sup> c. Poland ducal taverns played a significant role in the exchange.<sup>156</sup> Shambles appeared in sources in the 12<sup>th</sup> c.<sup>157</sup> as already existing institution and it would be difficult to question its existence at that time.<sup>158</sup> In the 13<sup>th</sup> c. urban shambles were subject to the ducal monopoly.<sup>159</sup>

Emerging urban centres and their trade facilities were subject to rather rigorous control. The attention paid by the Polish dukes to control over these sources of income is well-notable based on the example of Wrocław. This town, due to quire abundant source mentions and insightful research,<sup>160</sup> provides reliable data for the examination of the transformation of the emerging town. From the beginning of

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<sup>153</sup> P. Johansen, Die Kaufmannskirche im Ostseegebiet, in: Studien zu den Anfängen des europäischen Städtewesens. Reichenau-Vorträge 1955-1956, Konstanz 1958, pp. 499-525; id., Die Kaufmannskirche, in: Die Zeit der Stadtgründung im Ostseeraum, Uppsala 1965, pp. 85-134.

<sup>154</sup> Examples are given by G. Nagel, Das mittelalterliche Kaufhaus, pp. 66 ff; B. Schweineköper, Die Problematik, pp. 118 ff.

<sup>155</sup> For the status of guests see Ch. Lübke, Multiethnizität und Stadt als Faktoren gesellschaftlicher und staatlicher Entwicklung im östlichen Europa, in: Burg (as in footnote 5), pp. 36-50; id., Fremde im östlichen Europa. Von Gesellschaften ohne Staat zu verstaatlichten Gesellschaften (9.-11. Jahrhundert), Köln 2001, pp. 123 ff; cf. D. Główka, Hospites w polskich źródłach pisanych XII-XV wieku (Hospites in Polish written sources of the 12<sup>th</sup>-15<sup>th</sup> c.), KHKM 32, 1984, pp. 379 ff.

<sup>156</sup> Cf. footnote 82.

<sup>157</sup> I. Rabęcka-Brykczyńska, Jatki rzeźnicze w Polsce w XIII-XIV w. (Shambles in Poland in the 13<sup>th</sup>-14<sup>th</sup> c.), in: ead., T. Sobczak, Z problematyki badań nad produkcją i konsumpcją żywności w Polsce (Problems of research on production and consumption of food in Poland (Studia i materiały z historii kultury materialnej, Vol. 57), pp. 7-125; the review by D. Główka mainly concerns later times, O jatkach rzeźniczych w Polsce średniowiecznej (Shambles in medieval Poland), KHKM 33, 1985, pp. 98-105.

<sup>158</sup> I. Rabęcka-Brykczyńska, Jatki, pp. 12 ff, questions the trustworthiness of the earliest mentions in the Tyniec forgery of 1123-1125 (two shambles in Kraków) and the foundation charter of Lubiąż of 1175 (a rent of 300 denars from shambles in Wrocław); concerning Kraków, a similar opinion has recently been expressed by J. Rajman, Kraków: zespół osadniczy, proces lokacji, mieszczenie do roku 1333 (Kraków: the settlement complex, the location process and burghers until 1333), Kraków 2004, p. 176; I consider such opinions not justified, as the existence of shambles was within organisational possibilities of the 12<sup>th</sup> c. This issue calls for a comparative analysis, which is beyond the scope of the present paper, cf. S. Trawkowski, Ołbin wrocławski w XII wieku (Wrocław's Ołbin in the 12<sup>th</sup> c.), Roczniki Dziejów Społecznych i Gospodarczych 20, 1959, pp. 73 ff.

<sup>159</sup> I. Rabęcka-Brykczyńska, Jatki, pp. 21 ff.

<sup>160</sup> M. Młynarska-Kaletynowa, Wrocław, pp. 80 ff; ead., Najdawniejszy Wrocław (The earliest Wrocław), Wrocław 1992, pp. 75 ff.

his rule, Henryk the Bearded was buying out and liquidating property rights of ecclesiastical institutions. Probably in the 1230s he undertook the organisation of the town.<sup>161</sup> Intentions of the Duke are clearly visible in the known letter of aldermen and *burgenses* of Magdeburg, who charged the Duke with i.a. compelling foreign settlers to trade only at the merchants' house. This was contrary to contemporary habits of Magdeburg, which stipulated free sale at houses.<sup>162</sup> Perhaps it concerned the drapers' hall. These are testified to in many Silesian towns since the 1240s and they generally belonged to the earliest masonry buildings.<sup>163</sup>

At the contemporary stage of the state organisation the most efficient way of receiving income from trade was to control trade facilities. This control became especially rigorous in Poland. It first concerned taverns and markets and then (long before the location breakthrough) – shambles and trade stalls.<sup>164</sup> In towns, it concerned all trade facilities, including merchandise at the merchants' house – the drapers' hall, etc.<sup>165</sup> A proper assessment of this phenomenon requires the use of comparative data from the entire area of the German colonisation. This problem has not been dis-

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<sup>161</sup> Recently C. Buško, M. Goliński, M. Kaczmarek, L. Ziątkowski, *Historia Wrocławia*, Vol. I, pp. 85 ff. I believe that it is justified to localise this period of development of the town around Nowy Targ (New Market) Square. It is also probable that “the term Nowy Targ originated when a new market square was organised within the town which was located by Henryk the Bearded” (*ibid.*, p. 87).

<sup>162</sup> SUB I, No. 321: *Noverit igitur vestre nobilitatis benignitas, quod quilibet burgenses aut propriam habens aream vel domum quarumcumque rerum venalium habuerit, eas in domo propria libere vendere potest aut pro aliis rebus commutate. De domo quoque, quam ad augmentandum censum vestrum in communi foro frequentari et per singulas mansiunculas inhabitari statuistis, scire debetis, quod si dominus noster archiepiscopus hoc in nostra civitate attemptaret, penitus deficeret; cf. B. Zientara, Henryk Brodaty, pp. 134 ff; M. Młynarska-Kaletynowa, Wrocław, pp. 106 ff.*

<sup>163</sup> M. Goliński, *Die Anfänge der Kaufhäuser und Reichskräme in den schlesischen Städten*, *Zeitschrift für Ostforschung* 42, 1993, pp. 1-20; *id.*, *Ze studiów nad początkami sukiennic w Polsce (Studies on the origins of drapers' halls in Poland)*, in: *Monastycyzm, Słowiańszczyzna i państwo polskie. Warsztat badawczy historyka (Monasticism, Slavonic lands and the Polish state. Historians' research tools)*, Wrocław 1994, pp. 130-143; *id.*, *Hala kupiecka – sukiennice – ratusz (Merchants' hall – drapers' hall – town hall)*, in: *Ratusz w miastach północnej Europy (The town hall in towns of northern Europe)*, Gdańsk 1997, pp. 49-51; cf. G. Nagel, *Das mittelalterliche Kaufhaus*.

<sup>164</sup> K. Buczek, *Targi*, pp. 78-79; this author accepts the opinion of R. Grodecki, *Początki pieniężnego skarbu państwowego w Polsce (Beginnings of the monetary state treasury in Poland)*, *Wiadomości Numizmatyczno-Archeologiczne* 15, 1933, pp. 10-11.

<sup>165</sup> R. Czerner, *Zabudowy rynków. Średniowieczne bloki rynkowe w wybranych dużych miastach Śląska (Buildings in market squares. Medieval market square blocks in selected large towns of Silesia)*, Wrocław 2002 – the author quotes his other publications there; cf. R. Czerner, Cz. Lasota, *Średniowieczne sukiennice na Śląsku (Medieval drapers' halls in Silesia)*, in: *Kultura średniowiecznego Śląska i Czech. Miasto (Culture of medieval Silesia and Bohemia. Town)*, Wrocław 1995, pp. 51-60.

cussed in a separate study so far. The question concerns not the existence of such facilities – these were probably everywhere quite similar to one another – but their ownership at the time of location. This is because one can assume that such facilities were rather quickly bought out by the commune later on. In Bohemia, as it can be supposed, trade benches and stalls belonged to towns and they were removed from market squares already in the 14<sup>th</sup> c.<sup>166</sup> The merchants' house was a rare phenomenon. Apart from the Tyński Dwór in Prague, a privilege from 1261 is known for the 13<sup>th</sup> c. It concerns the construction of a *theatrum sive domus communis, que in vulgo chaufhus dicitur* in Olomouc.<sup>167</sup> In Brandenburg a Kaufhaus existed already in 1188 in Stendal, in 1232 – in Spandau, and in 1233 in Salzwedel. In 1251 its construction was planned in Prenzlau and in 1253 – in Frankfurt (Oder).<sup>168</sup> Interesting observations can be made based on the afore-mentioned example of Toruń, where shambles (in the Werder) were owned by the Teutonic Order in 1309.<sup>169</sup> This was in all probability a standard solution at the time of the origin of the town, analogously to Poland. On the other hand, the merchants' house in 1259 may have been constructed by burghers themselves.<sup>170</sup> A further limitation of the presence of foreign merchants suited the interests of inhabitants of Toruń. In the course of time, their efforts resulted in the acquisition of the staple right.<sup>171</sup>

A very broad scope of control over trade (including local trade) in Silesian and then in Polish towns was a continuation of monopolies of the ducal law. It was expressed in a particular development of buildings in the centres of market squares. It was neither a matter of incident nor a reception of ready patterns. This can be said due to the fact that a concentration of trade facilities (drapers' halls, shambles, stalls, benches, etc.), which was so typical for Silesian towns and soon for the location model in other parts of Poland, had no analogies elsewhere.<sup>172</sup> It can also be added that the name of the market square: *circulus* – Ring – rynek “was not brought to the Polish lands by German settlers, as in the lands of their origin this term was not

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<sup>166</sup> M. Ježek, *Archeologia*, p. 36.

<sup>167</sup> *Codex diplomaticus et epistolaris regni Bohemiae*, Vol. V, Part I, ed. by J. Šebánek, S. Dušková, Prague 1974, No. 295; cf. J. Šebánek, *K otázce kupeckého domu v Olomouci* (A question of a merchant house in Olomouc), *Slezský sborník* 61, 1963, fasc. 1, pp. 46-60; J. Kejř, *Vznik*, pp. 216-218, mentions privileges for Bautzen (1284), Głubczyce (1298) and further examples.

<sup>168</sup> W. Schich, *Die Herausbildung*, p. 237.

<sup>169</sup> K. Mikulski, *Przestrzeń*, p. 30.

<sup>170</sup> Cf. footnote 139.

<sup>171</sup> M. Magdański, *Organizacja kupiectwa i handlu toruńskiego do roku 1403* (Organisation of merchants and trade of Toruń until 1403), Toruń 1939.

<sup>172</sup> This was pointed out by G. Balińska, *Rozwój urzędzeń handlowych i administracyjnych w blokach śródmiejowych miast śląskich do końca XV w.* (Development of trade and administration facilities in buildings in the centres of market squares of Silesian towns to the end of the 15<sup>th</sup> c.), *KAiU* 26, 1981, fasc. 2, pp. 127-157.



used in this meaning.” It should rather be assumed that the term “originated already in Poland, under the influence of local conditions.” Regrettably, in spite of the analysis of this issue by Przemysław Tyszka, the semantic motivation of this term still remains unclear.<sup>173</sup>

I believe that the concentration of trade facilities was one of the factors (apart from tax function of standardisation of plots) which supported the development and decided on the popularity of the regular checkerboard-block layout of the location town. Such an idea of the space secured the interests of the ruler in the best possible way. I have underlined fiscal aims of the duke, who aimed at a possibly full control over the revenue from the town. These aims clearly appeared during the so-called great location of Wrocław in 1242.<sup>174</sup> Advisers of young Duke Bolesław Rogatka made use of the chaos related to the destruction during the Mongol invasion and delineated the market square space and a regular network of streets and blocks without the need to strictly observe extant property relations.<sup>175</sup> Archaeological examinations demonstrated that the area of the market square had been inhabited before that time.<sup>176</sup> The case of Kraków was similar.<sup>177</sup> Soon after it had occurred in Wrocław, the regular spatial location was applied in other capital towns of Silesian duchies, such as Głogów<sup>178</sup> or Legnica.<sup>179</sup> It is particularly the data on the course of the loca-

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<sup>173</sup> P. Tyszka, *Obraz*, pp. 71 ff, p. 86.

<sup>174</sup> M. Goliński, *Kształtowanie miasta komunalnego (Formation of the communal town)*, in: C. Buško, M. Goliński, M. Kaczmarek, L. Ziątkowski, *Historia Wrocławia*, Vol. 1, pp. 97 ff; M. Młynarska-Kaletynowa, *Wrocław*, pp. 124 ff; ead., *Najdawniejszy Wrocław*, pp. 98 ff.

<sup>175</sup> *Ibid.*, p. 107 ff; the author rightfully assumes that it was a reason for hurry, which accompanied the location. For this reason, several problems originated later on; cf. M. Goliński, *Kształtowanie*, p. 100.

<sup>176</sup> *Rynek wrocławski w świetle badań archeologicznych (The Wrocław Market Square in the light of archaeological research)*, Parts 1-2, Wrocław 2001-2002, especially J. Piekalski, *Zakończenie (Conclusions)*, pp. 287 ff; I still believe that the opinion of this researcher (p. 289) that “the market square was delineated in the 1220s-1230s” is not very probable.

<sup>177</sup> J. Rajman, *Kraków*, pp. 162 ff, pp. 190 ff; B. Krasnowolski, *Lokacyjne*, pp. 91 ff.

<sup>178</sup> R. Żerelik, *W ramach państwa polskiego (Within the Polish state)*, in: *Materiały do dziejów Głogowa (Materials for the history of Głogów)*, Wrocław 1989 (*Acta Universitatis Wratislaviensis, Historia* 72), pp. 19-46, especially pp. 30 ff; M. Kutzner, *Głogów*, in: *Studia nad początkami i rozplanowaniem miast nad środkową Odrą i dolną Wartą (Studies on the origins and the layouts of towns upon the middle Odra and the lower Warta Rivers)*, Vol. II, Zielona Góra 1970, pp. 135-210; numerous data, but also rather controversial hypotheses concerning the initial shape of the location of Głogów, can be found in the paper of T. Kozaczewski, *Głogów – miasto średniowieczne (Głogów – the medieval town)*, *KAiU* 18, 1973, fasc. 1, pp. 3-34; see also M. Kaczkowski, *Próba rekonstrukcji rozwoju układu przestrzennego Ostrowa Tumskiego w Głogowie (An attempt at reconstructing the spatial layout of Ostrów Tumski in Głogów)*, *Szkice Legnickie* 12, 1984, pp. 27-46.

<sup>179</sup> A discussion on this subject has been comprehensively depicted by M. Goliński, R. Żerelik, *Kontrowersje wokół lokalizacji Legnicy (Controversies concerning the location of*

tion of Głogów in 1253 that clearly demonstrate the significance of elimination of hitherto property rights, especially those of the Church. In exchange for the resignation from revenues *de tabernis, macellis, decimis foris et nonis et quibusdam aliis in this town*, the Bishopric of Wrocław and the local collegiate church were to enjoy the *perpetua libertas* and specified exemptions from burdens of the Polish law.<sup>180</sup> It can be seen that immunities for ecclesiastical estates were a compensation for expropriation.

In the case of Wrocław, the grant of the Magdeburg law in 1261 and relevant legal instructions from Magdeburg<sup>181</sup> were of crucial significance in the process of Wrocław's transformation into a communal town. In Magdeburg, the town council finally formed in the 1230s.<sup>182</sup> The incorporation of a communal self-government body into the location model may be considered a completion of the location breakthrough. As it can be seen, in early developed Wrocław this process went by stages.<sup>183</sup> On the other hand, in the case of the location of Poznań (1253) or Kraków (1257), the existence of the town council was stipulated from the very beginning.<sup>184</sup> I must underline that it meant a reception of a ready model, and not real influences of the new institution of the council. A dominant role was still played by the duke and particularly by the hereditary mayor.<sup>185</sup>

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Legnica), *ibid.*, 15, 1994, pp. 9-33; cf. M. Młynarska-Kaletynowa, *Rozwój sieci*, p. 357.

<sup>180</sup> SUB III, No. 103.

<sup>181</sup> *Ibid.*, Nos. 373 and 381; cf. M. Młynarska-Kaletynowa, *Wrocław*, pp. 162 ff; ead., *Najdawniejszy Wrocław*, pp. 119 ff.

<sup>182</sup> The most convincing discussion on the course of formation of the council in Magdeburg has been offered by J. Weitzel, *Zum Rechtsbegriff*, pp. 77 ff; cf. T. Goerlitz, *Die Anfänge der Schöffen, Bürgermeister und Ratmannen in Magdeburg*, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 65, 1947, pp. 70-85; *Geschichte der Stadt Magdeburg*, 2<sup>nd</sup> ed., Berlin 1977, pp. 53 ff; K. Kamińska, *Lokacje miast na prawie magdeburskim na ziemiach polskich do 1370 r. (Studium historyczno-prawne) (Locations of towns according to the Magdeburg law in the Polish lands until 1370 (A historical-legal study))*, Toruń 1990, pp. 37 ff.

<sup>183</sup> Also in Kraków one can see hardly legible stages of the development of the German commune – J. Rajman, *Kraków*, pp. 173 ff.

<sup>184</sup> S. Gawlas, *O kształt*, p. 143, footnote 400; cf. M. Patkaniowski, *Krakowska rada miejska w średnich wiekach (The Kraków town council in the Middle Ages)*, Kraków 1934 (*Biblioteka Krakowska* 82), pp. 26 ff; A. Gąsiorowski, in: *Dzieje Poznania (History of Poznań)*, Vol. I, Part 1, Poznań 1988, pp. 237 ff.

<sup>185</sup> *Dzieje Krakowa (History of Kraków)*, Vol. I: J. Wyrozumski, *Kraków do schyłku wieków średnich (Kraków to the end of the Middle Ages)*, Kraków 1992, pp. 186 ff; Z. Kaczmarczyk, in: *Dzieje Poznania*, Vol. I/1, pp. 190 ff; cf. H. Samsonowicz, *Samorząd miejski w dobie rozdrobnienia feudalnego w Polsce (Urban self-government in the period of feudal fragmentation in Poland)*, in: *Polska w okresie rozdrobnienia feudalnego (Poland in the period of feudal fragmentation)*, Wrocław 1973, pp. 133-159; H. Bogucka, H. Samsonowicz, *Dzieje miast*, pp. 57 ff.

The transformation of capital towns of duchies according to the model of the location of the communal town (which was specified around 1250) was certainly conditioned by various factors. The most important ones were related to a change in internal policy towards a preference for cash revenues. It can be supposed that a proceeding commercialisation of the mechanisms of power and luxury consumption, as well as an incessant need for cash, inclined the rulers to make use of emerging opportunities related to the development of existing patterns. The spatial regulation united the area of the town and served the interception of revenues by the duke. It must have usually been accompanied by the removal of hitherto property relations. This required years-long preparations in the case of large urban centres. I relate the increasing number of immunity privileges for the Church to this phenomenon. It can be demonstrated both for Kraków and for Poznań.<sup>186</sup> Expropriations were facilitated by translocations of towns, which frequently occurred in Poland. Topographic reasons are less significant in my opinion.<sup>187</sup> Checkerboard-block spatial regulations increased the breakthrough nature of the location threshold and provided the Polish urban landscape with colonial features. The mass nature of the phenomenon reflected a quite strong position of the rulers, both towards previous owners and emerging communes. This position emerged from prerogatives of the ducal law and the extent of the regalia being at the duke's disposal. In general, a construction of town walls and a ducal castle or court within the town's fortifications also belonged to the program of the communal location.<sup>188</sup> The stabilisation of the emerged location model resulted in the fact that this model was not significantly influenced by the sale of trade facilities to towns. This phenomenon already commenced in the second half of the 13<sup>th</sup> c. and was caused by financial needs of the rulers.<sup>189</sup>

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<sup>186</sup> S. Gawlas, *Polityka wewnętrzna*, pp. 73-74; id., *Człowiek uwikłany w wielkie procesy – przykład Muskaty* (Man entangled in great processes – the example of Muskata), in: *Człowiek w społeczeństwie średniowiecznym* (Man in medieval society), Warszawa 1997, p. 396.

<sup>187</sup> S. Gawlas, *O kształt*, p. 88; cf. data gathered by T. Lalik, *Stare Miasto w Łęczycy. Przemiany w okresie poprzedzającym lokację – schyłek XII i początek XIII w.* (The Old Town in Łęczycza. Changes in the period preceding the location – the end of the 12<sup>th</sup> and the beginning of the 13<sup>th</sup> c.), *KHMK* 4, 1956, pp. 631-678; for Bohemian analogies see L. Hošál, “Staré” a “Nové” město v období středověké kolonizace na Moravě (“Old” and “New” towns in the period of the medieval colonisation in Moravia), *Historická geografie* 4, 1969, pp. 82-86; J. Žemlička, “Právo nucené šmeny” (as in footnote 58).

<sup>188</sup> S. Gawlas, *O kształt*, p. 30, p. 89. In Poland, this standard was first applied on a broad scale by Kazimierz the Great, cf. S. Gawlas, *Uwagi*, p. 28 ff; L. Kajzer, J. Salm, *Burg und Stadt in mittelalterlichen Polen*, in: *Castrum bene*, Vol. 6: *Burg und Stadt*, Praha 1999, pp. 113-152.

<sup>189</sup> It first occurred in Wrocław – M. Goliński, *Podstawy gospodarcze mieszczaństwa wrocławskiego w XIII wieku* (Economic basis of Wrocław burghers in the 13<sup>th</sup> c.), Wrocław 1991, pp. 106 ff, pp. 140 ff; cf. R. C. Hoffmann, *Land, Liberties and Lordship in*

The course of the location breakthrough and the applied solutions were clearly dependent on the extant political background and the relations of power. In Western Pomerania, due to a later emergence of the state and much less developed prerogatives concerning the regalia,<sup>190</sup> the position of the dukes in relation to emerging urban communes was weaker. Of some significance was also the fact that the threshold itself was delayed in time and the location model formed into a more complete shape. Furthermore, towns in the sphere of influence of Lübeck were more independent. The transformation of Szczecin into a communal town according to the Magdeburg law (1237-1243) was not accompanied with a thorough spatial regulation.<sup>191</sup> The ducal stronghold was removed soon after that. Other towns also made efforts for the demolition of strongholds in their vicinity.<sup>192</sup> In the case of other locations, it usually came to a shift of the centre.<sup>193</sup> There were no castles in such towns and they quickly acquired political independence. Similar tendencies concerning the removal of castles also appeared in Brandenburg.<sup>194</sup> On the other hand, there were castles in

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a Late Medieval Countryside. Agrarian Structures and Change in the Duchy of Wrocław, Philadelphia 1989, pp. 157 ff; id., Wrocław Citizens as Rural Landholders, in: The Medieval City, New Haven 1977, pp. 293-311. In Silesia in the 13<sup>th</sup> c. the dukes also had to alienate other regalia, cf. J. J. Menzel, Jura ducalia. Die mittelalterlichen Grundlagen der Dominialverfassung in Schlesien, Würzburg 1964, pp. 76 ff; interesting remarks on the mechanism of interception of the *iura ducalia* were made by H. Appelt, Spätmittelalterliche Voraussetzungen der Ausbildung des Dominiums in Schlesien, in: id., Kaisertum, Königtum, Landesherrschaft. Gesammelte Studien zur mittelalterlichen Verfassungsgeschichte, Wien 1988, pp. 351-361.

<sup>190</sup> J. Walachowicz, Monopole książęce w skarbowości wczesnofeudalnej Pomorza Zachodniego (Ducal monopolies in the early feudal treasury system of Western Pomerania), Poznań 1963; id., Rozwój immunitetu sądowego na Pomorzu Zachodnim do 1295 r. (Development of judicial immunity in Western Pomerania until 1295), Czasopismo Prawno-Historyczne 9, 1959, fasc. 2, pp. 9-55; id., Immunitet ekonomiczny na Pomorzu Zachodnim w okresie wczesnofeudalnym (Economic immunity in Western Pomerania in the early feudal period), *ibid.*, 13, 1961, fasc. 1, pp. 21-59; justified corrections were made by K. Buczek, Przemiany ustrojowe na Pomorzu Zachodnim w XII i XIII wieku (Political system transformations in Western Pomerania in the 12<sup>th</sup> and the 13<sup>th</sup> c.), KH 72, 1965, pp. 349-379; id., Regalia, SSS IV, pp. 483-484; T. Lalik, Regale targowe książąt wschodniopomorskich w XII-XIII wieku (The market regale of the Eastern Pomeranian dukes in the 12<sup>th</sup>-13<sup>th</sup> c.), PH 56, 1965, pp. 171-201.

<sup>191</sup> J. M. Piskorski, Miasta, pp. 50 ff, pp. 229 ff; H. Lesiński, in: Dzieje Szczecina (History of Szczecin), 2<sup>nd</sup> ed. Warszawa 1985, pp. 65 ff.

<sup>192</sup> J. Cnotliwy, Początki i rozwój średniowiecznej siedziby książęcej w Szczecinie (Origins and development of the medieval ducal residence in Szczecin), in: Zamek książęcy w Szczecinie (The ducal castle in Szczecin), Szczecin 1992, pp. 12 ff; J. M. Piskorski, Miasta, pp. 182 ff.

<sup>193</sup> *Ibid.*, pp. 82 ff; M. Rębkowski, Pierwsze lokacje, pp. 40 ff.

<sup>194</sup> W. Schich, Berlin, p. 137 ff.

most royal towns in Bohemia.<sup>195</sup> In the course of consolidation of areas of old centres it came to the afore-mentioned compulsory exchange of property, without spatial regulations.<sup>196</sup>

The location breakthrough was a long process, which started with the reception of the pattern of the trade settlement (*villa forensis*) and ended with the formation of the communal town model c. 1250. In the course of this process there appeared a clear tendency that the location was becoming more and more similar for both types of settlement. However, for a longer period of time both basic systemic models were applied: the earlier one, related to the expansion of the Środa Śląska law and the later one, which was based on the Magdeburg law and was more suitable for larger towns being located. The latter model better suited the needs of centres with complex trade and manufacture functions, as it provided burghers with more autonomy. In general, one needs to speak about a low quality of the urbanisation process in Poland (apart from Silesia). Its fiscal conditions and a close relation to the needs of the market for agricultural products did not particularly favour urban handicraft production. In the 15<sup>th</sup> c. a possession of a lord's own small town or a market was still among (apart from the possession of a castle and a parish) basic organisational principles of magnate estates, as it has recently been demonstrated by Jan Wroniszewski.<sup>197</sup> A quantitative and qualitative change which was brought by urban policy of Kazimierz the Great was first of all significant for the royal estates.<sup>198</sup> A preference for cereals agriculture, which was related to the three-field system, rendered agricultural production trends and market functions of towns less resistant to the late medieval crisis of agricultural revenues. The situation could not have been significantly influenced by the application of the Magdeburg law and the checkerboard-block layout for the smallest trade-agricultural locations.

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<sup>195</sup> T. Durdik, Královské hrady a královská města v Čechách 13. století (Royal castles and royal towns in Bohemia in the 13<sup>th</sup> c.), *Archaeologia historica* 20, 1995, pp. 331-337, found out the existence of castles in 29 out of 35 towns; id., Die Burgen in den böhmischen mittelalterlichen Städten, in: *Castrum bene* (as in footnote 188), pp. 41-71; cf. discussion and corrections: V. Razim, K problematice vztahu hrad – královské město v Čechách, *Archaeologia historica* 27, 2002, pp. 307-326.

<sup>196</sup> Cf. footnote 58.

<sup>197</sup> J. Wroniszewski, Szlachta ziemi sandomierskiej w średniowieczu. Zagadnienia społeczne i gospodarcze (Nobility of the land of Sandomierz in the Middle Ages. Social and economic issues), Poznań-Wrocław 2001 pp. 20 ff.

<sup>198</sup> Cf. footnote 117.