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NORTHERN TOWNS AND THEIR COMMERCE

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CHAPTER XV

NORTHERN TOWNS AND THEIR COMMERCE.

THE Roman Empire, as a whole, had, in all respects, constituted a Mediterranean unity. Even from the confines of the most distant provinces there gravitated towards this central sea not only civilisation, but also political and economic activity. All commerce was attracted thereto. Hence all the cities were more or less affected by the Mediterranean, according to the share they took in general commerce. The Germanic invasion in the fifth century did not, as is generally supposed, put an abrupt end to this traditional position. Only England—or to use the Roman term, Britain—after her occupation by the Anglo-Saxons, ceased to form part of this great union of the ancient world whereto she had been affiliated by the conquest of Caesar. As to Gaul, neither the establishment of the Visigoths and the Burgundians, nor that of the Franks and the Alemanni, brought about a similar result. The situation remained unchanged when Clovis and his successors united the whole of Gaul under one ruler. Throughout the Merovingian period, her civilisation remained much more Roman than is usually admitted. The disturbance and desolation from which she suffered at the hands of the barbarians did not succeed in erasing the principal characteristics of the state of affairs introduced by the Empire. It was not only the Catholic organisation which survived the invasions; a similar position may be found in many branches of the civil administration. Here it will be enough to note that the financial system and the monetary system of the Merovingians were evidently mere survivals of Rome. And it is even more striking to observe that all the existing commerce was carried on through the Mediterranean ports. Until the middle of the eighth century, Marseilles continued to maintain active maritime relations with Syria, Egypt, and Constantinople. The goods landed on her quays were exported even to the extreme north of Gaul. In many cities oriental merchants were to be found side by side with native traders. Urban life still continued active. It may be said without exaggeration that there still existed not only a municipal organisation but a municipal population.

This survival of Roman and Mediterranean civilisation, which, in Merovingian Gaul, had not been interrupted by the Germans, was destroyed by Islām. From the day when the irresistible expansion of the Muslims subjugated all the regions bordering on the Mediterranean basin from Lebanon to the Pyrenees, from the day when they established themselves in the Balearic Islands, Malta, and Sicily, Western Europe was cut off from Eastern Europe, and the Mediterranean no longer remained a great commercial artery but became a barrier; while the links which still bound

teenth and eighteenth centuries along the Indian frontiers. The security they afforded naturally caused them to become not merely defensive centres for the surrounding country, but also centres of government. The rulers took up their residence there, and transported thither the storehouses and barns wherein was accumulated the produce of their estates; they built churches there and assembled there the courts of justice of their territories; they appointed officials (*castellani, praepositi, notarii*) to whom were entrusted the command of the local garrison, the presidency of the law-courts, the execution of sentences, and the levying of the various fines and taxes which pertained to the local ruler. In short, it may be said that in all parts the function of the *bourgs* was, like strong armour, to protect against attacks from without the essential organs not only of the religious but also of the economic and administrative life of the period. Like the "cities," they display no traces of urban characteristics. Their population of knights, clergy, officials of the demesne, legal functionaries, and serfs attached to their service, lived on the produce of the soil, or on contributions levied from the external population; they produced nothing themselves, and, from an economic point of view, must be regarded merely as consumers. Moreover they possessed nothing which could be regarded as autonomy or self-government. The *bourg* which contained them was not the object of their activities; it did not exist for itself, but for the surrounding district. It constituted a kind of centre for the local population, who came to it, but who did not live therein. The peasants who brought thither the harvest of their lords, the *scabini* who came there to try cases, did not reside within its walls. They came from the surrounding country and they returned thither after they had fulfilled their mission, so much so that the *bourg* appears to us only a place of transit, provided with a certain number of warders stationed therein.

Nevertheless, though the cities and *bourgs* of the ninth and tenth centuries cannot be regarded as centres of urban life, they possessed an essential importance in the history of the towns. It was these, in fact, which established the sites of the towns of later days; which thus fixed the localities for the commercial and industrial groups which were the ancestors of the bourgeoisies; and to these spots they almost always gave the names which they still bear.

We said above that Carolingian society was essentially based on rural economy. Land formed the only recognised source of wealth, agriculture the only permanent and general form of work. We must not, however, deny that they had some form of trade. The organisation of the estate or domain, so characteristic of this period, inevitably involved a certain amount of commercial activity. For the large domains were nearly always composed of estates, some of which were a considerable distance away from the principal centre, and it was therefore necessary that their harvests should be transported thither, sometimes from afar. Moreover,

certain churches were so overwhelmed with gifts by the piety of kings or nobles that their income by far exceeded their needs, and they were consequently obliged to dispose of the surplus. Finally, the small markets of the cities or *bourgs* gave rise to business transactions which, although doubtless of little importance, were regular. There was therefore some trade. What was lacking, and what had disappeared, was the class of merchants by profession, *i.e.* men whose occupation was to buy and sell. The *mercatores*, or *negociatores*, referred to in contemporary texts were not strictly speaking merchants, but only occasional buyers and sellers. The term was applied to servants employed by the abbeys to dispose externally of the excess of their produce; to the adventurers who followed the armies, or who carried on a dubious traffic in arms and slaves on the Slav frontier. In the ninth century the only individuals exhibiting the distinctive features of merchants were the Jews and the Italians who seem at that time to have devoted themselves, under conditions about which little is known, to the hawking of spices and oriental textiles which they transported, no doubt with much difficulty, from Venice across the Alpine passes. All this maintained a certain amount of commercial activity, especially by boats on the navigable rivers during the summer. And even this transport by boat does not seem to have been at all vigorously carried on except in Northern Gaul. We first hear of the Frisians (in whose country were linked together the courses of the Rhine, the Meuse, and the Scheldt) as really enterprising boatmen in the reigns of Charlemagne and his immediate successors. It was because the cloth woven in Flanders was transported by them that in contemporary documents it is referred to as *pallia fresonica*. And it may be presumed with much probability that, during the reigns of Charlemagne and Louis the Pious, the Frisian boatmen had established busy settlements at Mayence, Maestricht, and Valenciennes. They probably also frequented the ports of Dorestad (on the lower Rhine) and Quentovic (near Étapes), by which the northern part of the Carolingian Empire kept up some intercourse with England and the Scandinavian regions.

Towards the middle of the ninth century the Norman invasions interrupted the growth of this commercial movement. The rivers on which this trade had been plied were now for about fifty years used by the invaders as routes along which to penetrate the interior and to remove their booty. When tranquillity was restored, there had been such great changes in Western society that it was impossible for trade to resume its former conditions. Monarchical power, which had been established on too slight foundations, had crumbled. Under cover of the general anarchy, the more powerful officials of the Crown had succeeded in usurping sovereign rights in their territories. The old administrative counties had everywhere been superseded by principalities which were independent of their suzerain except for the simplest bonds of feudal vassalship. These nobles had led the resistance against the Northmen

with great energy, and the services they had thus rendered to the population had still further increased the authority they had usurped.

In all parts they had constructed new strongholds (*castra, castella, burghi*), alike to repel the invaders and to afford a refuge to the people on their lands. They had made these strongholds the economic centres of their domains, and had placed therein garrisons of knights and stewards (*castellani*), to whom were entrusted both the defence of the fortress and the business of administering the government and justice of the surrounding district. The different forms assumed by this organisation in different countries cannot conceal the fact that everywhere they possessed the same essential characteristics. This similarity is obvious not only in Continental Europe but also in England. The boroughs (*burhs*) of the Anglo-Saxon Kingdoms undoubtedly appertain to the same type as the *bourgs* of the territorial principalities which had arisen from the dismemberment of the Carolingian Empire.

The Northmen's invasions had not resulted merely in the accumulation of ruins. The Vikings were pirates whose chief aim was to enrich themselves. Their booty enabled them to carry on a kind of barbaric trade on all the coasts of the North Sea and the Baltic. After the close of the ninth century, the settlements established by the Swedes in Russia along the Dvina and Dnieper reaped extraordinary profits from this trade. By this means they actually came into contact with the Byzantine and Muslim lands in the basin of the Black Sea. Henceforward the Scandinavians abandoned the career of pillage by which they had at first terrorised the whole of Europe during the ninth and part of the tenth century; they now appeared specially addicted to maritime and commercial life. It was owing to them that, by way of Russia, Northern Europe regained contact with the much more highly developed civilisation of the Byzantine Empire and the Caliphate of Baghdad.

Almost at the same time it was restored by another route. In spite of the Muslim invasion, Venice, at the head of the Adriatic, had never ceased to maintain an increasingly active trade with the sea-boards of the Greek Empire and with Constantinople. Her enterprising genius had not even hesitated to open early relations with the Muslim ports on the Mediterranean, with results profitable enough to stifle religious scruples. In the tenth century Venice was already a great port whose activities became extended to its Italian hinterland, soon arousing there a new economic life. At the beginning of the eleventh century, Genoa and Pisa began to shew signs of their future greatness and, after bitter struggles with the Saracenic fleets, succeeded in reopening for themselves that sea which had been closed by the great Muslim invasion of the eighth century.

Thus on the one side by the action of the Scandinavians, on the other by that of the Venetians, two trading centres revived at the two ends of Europe. It would be too far removed from our subject to shew the wide extent of both influences on the interior of the Continent. We must be

content to state as a self-evident fact, although details are too often lacking, that, under this influence, economic life quickly revived in all parts of the coast and thence spread increasingly towards the interior by means of river-valleys, the natural routes which the conformation of the land imposed, until the day when, about the beginning of the twelfth century, the Northern traffic and that of the South brought about mutually a real economic revival which gradually affected all Western Europe.

We must here only consider one of these centres of economic renaissance, that of the North. The earliest symptoms of the influence it exercised became apparent in the course of the tenth century. At this time there appeared significant manifestations of commercial activity along the same rivers which had been navigated by Frisian boatmen in the time of Charlemagne. Navigation revived on the Rhine, Meuse, and Scheldt. On the coast Bruges, which at that time communicated with the open sea by the gulf of Zwin, soon surpassed in activity Quentovic and Dorestad, which had until then been pre-eminent. It became a centre of attraction for Flanders and Northern France, as farther west Rouen was to the basin of the Seine, or eastward Cologne to that of the Rhine. Moreover, about the year 1000, many other places sprang up elsewhere as more or less important centres of transit. We may mention Paris, Verdun, Huy, Liège, Ghent, St Omer, Cambrai, Valenciennes, and this catalogue is significant, for it is noteworthy that it includes only places connected by natural channels with the sea.

The essential feature of trade at this period is its wandering character. The merchants devoted to it were travelling merchants, collecting in parties and travelling either by boat or by road to transport wheat, wine, wool, or cloth to distant places. The spectacle they presented was, *mutatis mutandis*, very similar to that offered by caravans in Asia at the present day. Everything suggests this comparison: the length and danger of the journeys, the discipline and mutual help required from every member of the party, the community necessitated in buying and selling, the combination of all participants enabling them, in spite of the small amount of individual capital, to carry out wholesale transactions. This combination, indispensable to travelling commerce, is referred to in contemporary texts by names whose variety is of little importance: *gild*, *hanse*, *carité*, or *confrérie*.

In the tenth and eleventh centuries these merchants appear to us as undoubtedly forming a class of professional merchants. To them trade was not an adventitious and occasional occupation, but a habitual, regular, and normal one. With them, that class of individual whose livelihood came, not from the possession or cultivation of land, but from barter and sale, the class which had disappeared since the close of the Merovingian period, now resumed its place in modern society.

Whence came these merchants? In the absence of any definite evidence, we are obliged to resort to hypothesis in answering this question. Probably

we must assume that the first were bold and intelligent adventurers, sprung from that unhappy class of society which, having no land, was compelled to live from hand to mouth by bodily labour, hiring themselves out at harvest-time or engaging as mercenary soldiers. In other words, it seems highly probable that the *mercatores* of the earlier Middle Ages were at first drawn from floating elements of agricultural life which the texts call *pauperes*. The recrudescence of commercial activity afforded to many of them an opportunity of employment and of amassing a fortune. Then their example attracted a large number of young men. The increase in population attested in the tenth century must also have tended to swell their numbers by diverting thereto the unemployed surplus of the rural population.

This point of view necessarily implies that the merchant class in the Middle Ages started without capital. And there is no objection to this. Credit undoubtedly played a great part in the beginning of commerce. Many merchants certainly transported goods which did not belong to them. The proceeds of the sale were divided between them and the owner. And there is no doubt that profits were often considerable. The scarcity of goods kept prices at a high level. The chief cause of commercial profits was above all the frequency of famines, and we know that contemporary merchants were skilful in taking advantage of these. An easy way to fortune was found by transporting a few sacks of corn to those districts threatened by famine.

Every kind of trade necessarily implies the existence of certain points of concentration, which are determined by the configuration or contours of the land, inasmuch as they correspond to the necessities of the social organisation and the development of means of communication. The ends of gulfs, the mouths of rivers, the confluence between two rivers, the spot at which a stream ceases to be navigable, are places designed by nature for halting-places in transit. But in the society of the early Middle Ages, it was moreover necessary that the merchants should find at these places at least a minimum of settlement and a minimum of security. Therefore we can easily imagine that they must at once have been attracted by the cities and *bourgs* whose geographical positions were particularly favourable to the exercise of their profession. They betook themselves to the old Roman cities, or to the fortresses of later date which were situated on the natural commercial lines of communication. Those which were too far off, even if like Th rouanne they were the seat of a bishop, or like Stavelot and Cluny that of celebrated monasteries, did not exercise on them the slightest attraction. They only repaired to those places where they found alike convenience of transit, the social protection of established authority, and the material protection of solid walls. These localities were not very numerous and the list was soon exhausted. It is certainly a mistake to believe that the early centres of municipal life were widely spread throughout Western Europe. During the tenth and eleventh

centuries it is clearly obvious that they were all included in the region between the Rhine and the Seine. Even within this region, there were none to be found beyond the point where the rivers cease to be navigable. There were none on the Meuse above Verdun, on the Scheldt beyond Cambrai. The centre and east of France, as also the shores of the Atlantic Ocean, did not include any. It was especially in Flanders and the hinterland of its rivers that they abounded, and this fact is enough to prove the intimate relation which existed between the recrudescence of commercial life and the origin of towns.

The establishment of merchants in cities and *bourgs* came to pass under conditions whose details are unknown to us. It may be assumed that at first they settled within the walls. But almost always the small extent of the enclosure did not leave enough room at their disposal and they were obliged to settle outside the walls. There sprang up consequently outside the *bourg* an exterior *bourg*, i.e. a *faubourg* (*forisburgus*, *suburbium*). From documents of the tenth century, we learn of the existence of *faubourgs* of this kind at many places, Verdun, Dinant, Huy, Liège, Bruges, Laon, St Omer, etc.

In the Netherlands, and especially in Flanders, we find a particularly characteristic expression to describe them—that of *portus*, borrowed from Low Latin, where it was applied to a warehouse or wharf, and it retained that meaning during the Merovingian and Carolingian periods. Its application to the *faubourgs* of the eleventh century therefore definitely proves the character of the latter. It shews with perfect clearness that they were permanent commercial centres and it would be enough to refute the opinion which attaches the origin of towns to fairs and markets. Markets and fairs in reality only occurred on certain days in certain places. They were the periodical meeting-places of merchants. Moreover we find markets and even fairs in places which never became towns. This was the case for instance in Flanders, where Thourout and Messines were the homes of very ancient and very important fairs, but nevertheless they remained mere villages throughout the Middle Ages. The *portus*, on the other hand, was a business centre, established as a place of residence, a permanent collection of merchants and merchandise. In every place where it is found it implies the existence of a population living by the exercise of commerce, i.e. a population which already presented the essential features of an urban population. And this is so true that, in Anglo-Saxon England, the word *portus* frequently appears in the glosses of the tenth century as a synonym for *civitas*.

It follows from what has been said that the origin of medieval towns can be attributed to a combination of two elements differing in their age and in their nature. The first and older was the *bourg* (borough), consisting of a fortified enclosure dating either from the Roman or from the feudal period, and inhabited by a population of clergy, knights, and

serfs, living on the produce of the land. The second and more recent was the *faubourg* or *port*, arising from the cohesion of a population of individuals devoted to trade. Between these two elements there were many contrasts, which must be recognised if we wish to understand how the former became subordinated to the latter.

We must at once observe that the *bourg* did not develop. In reality the necessities which it served remained stationary: there was no need to increase the garrison of knights, nor the number of clergy serving its church. Established for the defensive and administrative needs of a purely agricultural population, to the *bourg* naturally was communicated the same stationary character.

The *faubourg*, on the other hand, was constantly growing. As commercial activity increased in intensity, so newcomers were attracted to the settlement in ever-increasing numbers. We are thus concerned with a colony in course of continual development. And the more the importance of the settlement became evident, the greater became its attraction to the surrounding districts. There are many indications to prove that the suburban population was much larger in the eleventh century than it had been in the tenth, and it continued to increase until towards the end of the thirteenth. During the twelfth in many localities it had already surrounded the *bourg* to such an extent that the latter had, so to speak, shrunk into merely a central quarter.

The contrast between the *bourg* and *faubourg* is not less striking if we consider the legal condition of their inhabitants. In the *bourg* only the clergy and the knights were free; the servants round them were in the position of serfs. On the other hand, the merchant and other immigrants to the *faubourg* alike participated in freedom. No doubt their freedom was not original, for all, or almost all, of them were undoubtedly descended from peasant serfs. But who knew the secret of their birth? They were strangers from afar; no one knew their origin, and as medieval law did not presume servitude, they were perforce treated as freemen, since it was impossible to prove them otherwise. They had thus been *practically* enfranchised by the kind of life they led. Even if they had not been born free, they had deserted their native soil, uprooted themselves, and broken all links with the land and with the lord to whom they belonged. They were therefore subject neither to the personal duties nor to the private jurisdiction which resulted from the property of men in men. They had no need to demand freedom, nor to fight for it. They enjoyed it naturally as a consequence of their position as foreigners.

But the liberty accorded to them only affected their persons. It did not involve any right to self-government, nor the enjoyment of any peculiar jurisdiction nor special law. And this inevitably led to a series of conflicts.

For the organisation of the *bourgs* was evidently ill-adapted to the needs of the merchants. It only met the requirements of a rural and

feudal society, whose administrative and military centres they were. The law exercised therein had been formulated for an agricultural population subject to a seignorial government of a patriarchal and authoritative character. Liberty of land-tenure was as restricted as personal liberty. All kinds of charges weighed as heavily on the land as they did on the individual. Marriage, inheritance, and the transmission of land-tenures were subject to hereditary taxes and levies either in money or in kind. The political administration likewise bore the character of direct exploitation of man. Taxation properly so-called was unknown. It operated only in the form of levies, or "exactions," on the various manifestations of the primitive economy of the locality. We need only recall the feudal dues on bakehouses, breweries, and mills, the tithes and "champarts" on the harvests, and especially the *tonlieu* (*teloneum*), which confiscated for the use of the lord or territorial ruler part of all merchandise transported by land or water. Finally, it must be added that legal procedure remained faithful to a strict formalism, and that oaths, ordeals, and duels were still regarded as the only means of trial.

It can easily be understood how such a state of things must even from the beginning have irritated the merchants who came to settle in its midst. The greater the difference between the life they led and that hitherto in use, the more they suffered. There was the greatest possible contrast between them and the society in which they had to find a place. The latter was based entirely on the ownership and possession of land, and had no regard for personal property which they represented. It was adapted to a sedentary population, and they were mobile, to a servile population and they were free. Numerous difficulties arose owing to this opposition between past and present. The merchants could not tolerate the brutal methods whereby the *tonlieu* was levied, nor the delays and uncertainties of legal procedure, nor the countless obstacles which old customs offered to all the manifestations of their activities. They demanded, not as a natural right but as a primary need of their profession, the suppression of all the burdens which had hitherto weighed unnoticed on an economic life much simpler than their own. They claimed the enfranchisement of the land on which they had come to dwell, and on which they had built houses, thus investing it with a value hitherto unknown. Being mostly unmarried and obliged to marry girls belonging to serf families, they required for their wives and children the freedom which they themselves enjoyed. In short, it was evident that, to enable them to exist and develop, the legal condition of society must be altered to suit the economic conditions requisite for them. And it was impossible to arrive at this transformation unless by granting to those who desired it that autonomy by which alone they could attain their aims.

Moreover, this autonomy was at once attained by the merchant population of the *faubourgs* to a certain extent. The social authorities in fact allowed them to supply their most essential necessities. It does not

seem that they took any steps to regulate their settlements. It was impossible for them to do so as they were devoid of any means or competence for this object. The merchant settlements of the tenth and eleventh centuries were therefore regulated by the initiative of the immigrants. As no one troubled to help them they provided for themselves, and gradually created by spontaneous efforts the buildings, resources, and institutions which they found indispensable.

The rapid growth of the commercial *faubourgs* involved the provision of certain public works. It soon became necessary to build one or more churches, construct bridges, lay out wharves, and, most important of all, erect a palisade or wall for protection against pillagers. At first it seems that these works were undertaken by private enterprise, which is a very interesting fact. Rich merchants generously expended their wealth in the interests of their fellow-citizens. Such was probably a certain Lambert who built a parish church at St Omer in 1043; such was certainly Werimbald, who, a little later, redeemed the toll on one of the gates at Cambrai and provided for the maintenance of a bridge. But public benefactors could naturally only act in restricted and exceptional circumstances. The real driving-force was, as it has always been in all ages with social settlements in course of formation, the force of combination.

We have already stated that the merchants on their journeys combined in corporations called guilds, hanses, or confraternities. These corporations were not dissolved on their return. They constituted permanent bodies binding their "brothers" one to the other. In each locality these bodies, which included the leading merchants, very soon appear to have undertaken to supply the needs of the settlements. Without either official title or mandate, the members of each local guild improvised for themselves, so to speak, a public authority. Their interests were at one with the interests of their fellow-citizens, and they were given a free hand. In the eleventh century we find the guild of St Omer financing the erection of a *gild'halle* and devoting part of their income to the construction of defensive works round the town. In many other localities similar instances must have occurred, and the corporation of merchants seems to have acted as a semi-official municipal administration. The title *comtes de la hanse*, which the treasurers of the city of Lille retained throughout the Middle Ages, is enough to prove, in the absence of old documents, that there also the leaders of the voluntary association of merchants used the funds of their confraternity for the benefit of their fellow-citizens. In any case it must be assumed that the rudiments of a financial organisation were elaborated as necessity arose in the *ports* and *faubourgs*. The construction of a wall round the settlement involved too heavy an expenditure not to have entailed taxing every one for whose advantage it was undertaken. The first tax, properly so-called, must have been for the erection of the *firmitus*. It is characteristic to find that at Liège up to the close of the Ancien Régime the communal tax was always called the *fermeté*.

Thus, it may be affirmed that in the localities most in favour with merchant immigrants, the earliest features of a municipal organisation appeared at the middle of the eleventh century. The new term of *bourgeois* dates from this very period. We find the earliest mention of it at St Omer in 1048, then a little later at Huy in 1066 (*burgenses*). The ancestors of these bourgeois were undoubtedly merchants such as we have hitherto been discussing. But henceforth it was no longer by their profession but by their residence that they are described. The new population, like the old one, had become fortified. The new *bourg* became amalgamated with the old one, and already at this date it was considered much more important than its ancestor, because the name of *burgenses* was reserved for its inhabitants. These burghers of the middle of the eleventh century were still very far from possessing a real municipal organisation. Much progress had still to be made before they could obtain complete realisation of their programme, and before the town was endowed with all essential attributes, and before the medieval burghers succeeded in establishing themselves as a privileged legal class.

When we consider the attitude of the rulers towards the infant bourgeoisie we find a phenomenon which, at first sight, is rather surprising. As a general rule, lay princes were inclined to regard them with favour, while they almost invariably encountered open hostility from ecclesiastical superiors. This difference of attitude can, however, easily be explained. The lay rulers had nothing to fear from the bourgeoisie. On the contrary it was to their advantage to favour and protect them. It was obvious that the more prosperous the bourgeoisie, the greater the advantage to the ruler. The development of trade by enriching the town must inevitably end in also enriching the ruler, as it afforded him the opportunity of levying substantial taxes. Moreover, the lay rulers had no fixed residence. They moved constantly from one place to another in their territory. Consequently they were not in permanent contact with the burghers and causes of offence were reduced to a minimum.

But it was otherwise with the bishops, who perforce remained stationary in the cities in which, ever since the Roman period, the sees had been established, and who wished to preserve their authority intact. The interests of the Church, as well as their personal interest, made them regard the bourgeois claims with suspicion. It seemed to them with reason that urban autonomy must diminish their position and might at the same time imperil the rights and revenues of the clergy. They were all the more suspicious because this autonomy was demanded by merchants. For the Church had an invincible objection to trade. It considered that trade endangered the salvation of souls, it accounted desire for gain as avarice, and in most commercial transactions it detected various forms of usury. The open hostility, which ever since the Carolingian period it had increasingly shewn to the practice of money-lending, was also extended

to trading. In fact, the bishops had a social scheme and theory which necessarily made them defend the traditional order of things against the reformers who attacked it.

It is therefore not surprising to find that, during the latter half of the eleventh century, there were insurrectional movements in episcopal cities, and that they were so numerous as to prove that they arose not from local causes but from some common factor. The earliest mentioned occurred at Cologne in 1074; two years later in 1076 one broke out at Cambrai. Then about 1080 there followed a revolt at St Quentin, one at Beauvais in 1099, one at Noyon in 1108-1109, one at Amiens in 1113, one at Laon in 1115. There is no doubt that this tendency to revolt was fomented by the merchants. The important part they played is definitely proved at Cambrai and Cologne; at Beauvais the insurrection movement was led by the cloth-merchants. The subsequent insurrections at Noyon and Laon present a slightly different character. Here it seems that we are concerned with an agitation less obviously provoked by the merchant class. Serfs and even priests were involved in this rebellion. And there is nothing surprising in this. At every time of social unrest irritation is contagious. The initiative taken by the most active and most directly interested class soon becomes communicated to all malcontents who, had they not been roused, would probably not have acted. It therefore remains true to say that the primary and deeper reason for the early municipal insurrections must be sought in the need for reforms which, as we have seen above, were inevitably demanded by the merchant class.

These insurrections were not mere riots roused by sudden passion and giving way to brutal excesses. On the contrary it is obvious that they aimed at a definite object and had been long prepared. The merchants who fomented them wished to use them for the realisation of their desires. They were determined to shake off the old laws and monetary exactions, the weight of which became more onerous in proportion as they themselves increased in numbers and in wealth, and they aimed at seizing the government and substituting their influence for that of the bishop. They collected round them all those who groaned under the system to which they objected themselves, and they bound themselves by mutual sworn agreements, and, with this support at the decisive moment, they proclaimed the commune in a revolutionary manner. In fact, in all the above-mentioned towns, the triumphant burghers established or attempted to establish communes.

What is the meaning of this celebrated word? The commune was, strictly speaking, the association of burghers, constituted by oath, who seized the municipal power and undertook to defend both corporate and individual liberty against all attacks. It was the result of a conjuration and it sometimes even bore the name of Conjuration. Its members were conjurors (*coniurati*), and the same name *iuratus* or *juré* was adopted v the magistrates appointed at their head. It was thus essentially

revolutionary, and it never appeared except in towns where self-government was gained as the result of a keen struggle. For this reason it is characteristic of episcopal cities, and especially of episcopal cities in Northern France.

Its aim was to replace seignorial law and jurisdiction by a law and jurisdiction which it would exercise itself. It not only made innovations, but it also unified. As soon as its success was achieved, all the inhabitants of the city not only had a similar personal status, but were subject to the same courts and were governed by the same council, all recruited from among its members. Thereby the city became a distinct judicial territory, alike as regarded private and public law. It thus formed what has often been called a "collective seignory," but it differed greatly from the feudal seignories in being a community with exceptional rights, in fact, a privileged territory.

The revolutionary origin of the communes did not prevent them from attaining a legal existence. Although several were very soon crushed, many succeeded in obtaining from their overlord or from the king a charter guaranteeing the organisation they had set up for themselves. During the course of the twelfth and thirteenth centuries this organisation became general. As the economic conditions of Europe changed under the influence of the renaissance of trade, an ever-increasing number of localities were moved to join in the new life, and commercial centres became multiplied. The older ones communicated their activity to their neighbours; and the bourgeoisies, which had at first collected in certain places particularly favoured by their position, soon spread in all directions. It became not only impossible but dangerous to oppose so general a movement. The opposition originally offered to it had no longer either any reason or any chance of success. It was better to accept the inevitable and to recognise a state of affairs which seemed quite natural in the society now in course of evolution. Princes and overlords now lightly conceded what had at first been wrung from them. Charters of communes, based on those which had been conceded after the insurrection in the eleventh century, were freely granted to many towns during the following century.

Besides the towns which established sworn communes, there were very many others which did not resort to this insurrectionary proceeding. As we have said, the lay rulers had not the same reasons as the ecclesiastical for resisting the attempts of the early burghers to attain autonomy. They were usually much more conciliatory in their methods. The county of Flanders, which was particularly remarkable for the number and activity of its towns, offered a characteristic example in this matter. From the beginning of the twelfth century, we find the count granting privileges as regards justice and finance at the request of the burghers. It seems that, even before the troubles which broke out in this county in 1127 after the murder of Charles the Good, most of the cities were already in possession

of their own jurisdiction and administration. The part they took in the struggle between the rival claimants, William of Normandy and Thierry of Alsace, inevitably increased and definitely established their autonomy. The oldest charter of a Flemish city extant, that of St Omer, dates from that very period—1127.

The sworn or insurrectional commune was therefore not absolutely indispensable for securing urban autonomy. It was only one means of establishing it. There existed no essential difference between the towns which had recourse to it and those which did not. In fact, both these constitute communes in the legal sense of the word, *i.e.* they were collective persons recognised by public authority. Every medieval town thus formed a commune despite the difference which may have existed between the origin of one or the other. Only those inhabitants shared in urban rights and obligations who had taken the communal oath before the municipal magistrate.

Nevertheless urban law was not merely personal. It did not affect only the members of the commune. As it was recognised by the public power it also acquired a territorial character. All those dwelling within its enclosure, *infra murum villae*, were subject to it, whether they had taken the communal oath or not. Therefore the city formed a legal state, a real immunity in the midst of the country surrounding it. As soon as its gates were passed, one found oneself in quite a different legal sphere, just as to-day on crossing the frontier of another state. Or rather, it was a transition from the domain of common law to that of privileged law.

In order to appreciate the position of the medieval burgher, it must be realised that he belonged to a privileged class just as much as the cleric or the noble. Just as the privileges of the Churchman were derived from his sacerdotal functions, and those of the noble from his military duties, so the burgher enjoyed his on account of his special economic importance, *i.e.* because he belonged to a class devoted to commerce and industry. It was this condition which constituted the bourgeoisie a special order, the Tiers État: it was this which raised the burgher, like the cleric and the noble, above the mass of the common people.

With the establishment of the bourgeoisie, medieval society finally assumed the characteristic appearance which it henceforth retained, and which in many countries persisted until the end of the Ancien Régime. Like the two older orders, the bourgeoisie consisted of a minority of privileged individuals, and it was because of this that, in all European countries, it shared in the political constitution of the State from the day when the rulers were obliged to concede to it a place in their councils or in their parliaments.

The origin of the towns and of the bourgeoisie can everywhere in Western Europe be attributed to the same general causes; on closer examination, however, it is obvious that there were profound differences

between various towns. As we have already said, municipal institutions did not originally (*i.e.* in the eleventh and early twelfth centuries) develop except in a comparatively small number of localities. These localities were those in which the action of economic causes considered above was particularly effective. Without exception the expansion of municipal law followed exactly the expansion of commerce and industry. Just as in the Mediterranean basin Lombardy was alike the most ancient centre of merchant activity and municipal activity, similarly near the North Sea the Flemish region presented the twofold character of enjoying an older and more fully developed economic life and of possessing a larger number of more highly developed towns than any other region. It is obvious that different local conditions must have determined the form of the institutions which sprang up in the early centres of municipal organisation. They developed in various manners according to whether they had to struggle with their ruler or not, whether they were more particularly devoted to this or to that trade, and whether the territorial institutions in the midst of which they had developed were at all compatible or not with their needs. In certain cases the town obtained complete autonomy, in others—and this was much more usual—autonomy was not attained, while elsewhere again the burghers did not even attempt to deprive the ruler or the lord of the rights which he exercised therein. Generally we find that the state of affairs was that of a compromise between the rights of the ruler and the autonomy of the urban commune. The latter usually shared in the domain of real communal administration and jurisdiction, while the higher courts continued to be controlled by the officers of the public power. In certain towns special magistrates exercised joint authority, some representing communal interests, others princely authority. This was for instance the case in many towns in France, the Netherlands, and Germany, where a council of sworn men (*iurati, geswornen, geschworenen*) with communal authority existed contemporaneously with a council of échevins (*scabini, schepenen, schoeffen*, etc.) with public powers. But it also happened that the rights of the commune and of the prince were exercised together by the same magistrature. In Flanders, for instance, the échevins were échevins both of the town and of the count. The greater or lesser degree of autonomy attained by a town consequently depended on varying causes and was affected by the political circumstances in which it had arisen; it did not necessarily reflect her wealth or power. The Flemish towns, which were distinguished by the rapidity and exuberance of their development, were satisfied with a municipal independence less complete than many much smaller places in France and Germany. And this doubtless arose from their very power. The counts did not wish to provoke a dangerous conflict with them. They were content to share an authority which they were prudent enough not to render onerous. But it is obvious on the other hand that wherever the overlord felt strong enough to prevent the towns from shaking off

his authority, he did not fail to restrict their autonomy to limits compatible with his power. We find this to be the case in France in the towns within the royal domain, especially in Paris, and it is equally obvious in England, where no town ever escaped, or sought to escape, from monarchical supremacy.

Between the urban constitutions of one region we generally find an apparent kinship which enables them to be grouped together. In the Netherlands we easily distinguish a Flemish type, a Brabançon type, a Liégeois type, and a Hollander type. It often happened that towns not very close to each other received or adopted the charter of an older town. Thus, for instance, the institutions of Rouen were copied by many localities in Poitou, Orléanais, and Gascony.

During the course of the twelfth and thirteenth centuries urban institutions became extended to a large number of villages or *bourgs* of rural character. In order to attract men to their lands, the kings, princes, or local seigneurs promised to extend to immigrants who contemplated settling there the advantages of autonomy and municipal liberties. We are here referring to the *villes neuves*. This name was applied to villages possessing a charter of franchise liberating their inhabitants from the former rigid domanial law, and granting them a communal organisation to a greater or lesser degree. Several of these charters enjoyed a wide diffusion. That of Lorris (1155) was for instance extended throughout the royal domain in France, that of Beaumont (1182) throughout Champagne, Lorraine, and Luxembourg, that of Prisches throughout Hainault. We know too that the charter of the Norman *bourg* of Breteuil was adopted by many cities in England, Wales, and even Ireland.

It must not, however, be supposed that the *villes neuves*, or *bourgs* enfranchised by charters, can be absolutely classed with towns properly so called. It is obviously very hard to explain the difference, and in certain cases almost impossible. But it is certain that between a city like Bruges or Ghent, and a village like Prisches or Beaumont, or even a *bourg* like Breteuil, or between London and Rhuddlan, the contrast is too great to allow complete assimilation. The *ville neuve* and enfranchised *bourg* had actually received only a minimum of such urban institutions as were applicable to rural populations. Almost always, the essential part of the franchise granted to them was restricted to fixing conditions affecting persons and tenures. The latter were often governed by the system of *bourgage*, which was liberty when compared with the old tenures of seignorial law, and which was obviously copied from urban tenures. But this would not justify us in regarding the burghers of the *villes neuves* as equal to the burghers of towns. To prove this we need only recall the fact that at least in Normandy we find mention of rural *bourgeois* given with their land. Elsewhere we find that the inhabitants of *villes neuves* were still subject to forced labour in aid of their lord, and even to certain dues of servile origin. Moreover the degree of communal

government and liberty which they exercised never reached a high level. All that can be said is that they were *quasi-bourgeois*, just as the *ville neuve* or enfranchised *bourg* was a quasi-town, if we may coin the word, very different from a town with full rights.

In reality the medieval town in the true sense of the word only existed in places where urban law, *i.e.* a law established for a population essentially devoted to commerce and industry, became developed to a point when the town became a clearly defined legal person. A definition, summarising the essential characteristics which it presented and which have been considered in the preceding pages, is not easy to formulate. Perhaps it would be possible to risk the following definition: a medieval town was a community under the aegis of a fortified enclosure, living by the exercise of commerce and industry, and enjoying exceptional judicial and administrative rights which constituted it a privileged body.

It now remains to describe shortly the municipal government, such as it developed in its essential features from the time when towns were formed. This subject is of great interest. For it may be said that this government demonstrates the first attempt made since the days of antiquity to organise public affairs, to establish a *commonwealth*. And it must be added that in the Middle Ages, when the Church and the State constantly blended, it was moreover the earliest example of a purely lay organisation.

Its essential object was the common weal of the bourgeoisie, or the municipal *respublica*. Now as the bourgeoisie was a new class in medieval society, a number of new problems arose, which demanded fresh solutions. The gravest of these problems were of the economic and financial order. For the bourgeoisie which lived on commerce and industry depended on external sources for the food necessary for their existence. It was therefore essential for their maintenance and development that they should first of all attend to commissariat. But it was just as important to organise defences against attacks to which their defenceless wealth was exposed; and the first necessity was to protect themselves by a solid system of moats or walls. This twofold necessity entailed considerable expenditure. It was therefore essential to establish a financial system capable of meeting the heavy expenses, without which the very existence of the bourgeoisie would become impossible.

We are unfortunately ill-informed as to the initial measures taken by the urban magistrates to meet the inevitable calls upon their resources. It is only from the thirteenth century onwards that we possess sufficiently abundant or precise documents concerning municipal administration to enable us to describe it in detail. But there is no doubt that what is then apparent had been preparing during the course of the previous century. Influenced by experience, impelled by practical necessity, and supported by civic sentiment, they arrived pretty quickly at an organisa-

tion perfectly adapted to meet the problems confronting it, and which in its chief features was common to all the towns.

In fact in all of them there soon (twelfth century) appeared a municipal tax, differing greatly from the dues, the taxes, or tallages hitherto levied by kings or nobles. This tax, the object of which was exclusively to meet public expenses, was either a direct tax affecting the property of the burghers, or an indirect tax (*assise*) levied on the foodstuffs or merchandise entering the town and on the sales in the market. If it was insufficient, they resorted to a loan, either an internal loan, floated within the town itself, or an external loan, contracted in the neighbouring towns. Already, by the close of the twelfth century, we find the first traces of a communal counting-house and financial audit, although the earliest accounts we possess only date from a century later.

The greater part of the town's financial resources was devoted to what may be termed the budget of its defence. Until the close of the Middle Ages, the construction and maintenance of the surrounding walls and moats, and the purchase of engines of war and arms for the burghers, never failed to reach a figure amounting to eight-tenths of the communal receipts. The growth of the urban population depended on the security offered by its ramparts, but although this growth increased the receipts of the town it also increased expenditure. The space within the walls soon became inadequate and new quarters had to be built, and consequently, at great expense, new walls had to be erected and new moats constructed round them. For instance, by 1169 Ghent had enclosed within her walls much surrounding land, and in 1213 a fresh addition was undertaken, soon followed by a series of other increases, the last of which was in 1299.

Other public works were necessitated by commercial needs. In the eleventh century, we find the cities building markets, planning wharves for their merchandise, and paving streets and market-places.

The provision of food for the bourgeoisie was undoubtedly the most urgent problem which the municipal organisation had to solve. There is no doubt that even in the eleventh century the population of the commercial centres was already too large to be fed on local produce. The foodstuffs required for their consumption were derived partly from wholesale trade, partly from the surrounding country. But it was indispensable to regulate the arrival of these foodstuffs and to prevent arbitrary increase in their cost. Measures were taken at an early date to prevent traders from combining to the detriment of the consumers, and to suppress middlemen between buyers and sellers. The general principle of urban economy was to bring the importer of foodstuffs into touch with the buyer, so as to ensure cheapness of living. This was attained by a minute regulation of commerce and of markets. The theory of the *iustum pretium* which was formulated by the great schoolmen of the thirteenth century undoubtedly corresponded with the practice soon developed in the towns.

Industry, in its turn, demanded the intervention of municipal power. It was not only necessary to supply raw materials, but also to ensure their fair division among the artisans, and finally to supervise the quality of the goods produced so that they should be satisfactory. The first signs of the establishment of craft-gilds (*métiers, mysteries*) appeared at the end of the eleventh century, in the most highly developed urban centres. We find artisans of the same craft combining together to buy raw materials and combat foreign competition. Municipal authority rendered obligatory these associations, formerly voluntary, appointing their leaders and regulating their proceedings. The craft-gild, as established in the course of the twelfth century, is undoubtedly the most interesting and most original creation of bourgeois civilisation in the Middle Ages. It provided a solution of the labour-problem admirably adapted to the conditions of a period in which currency and capitalism were still in their infancy. Its great merit was that it ensured alike the economic independence of the producer and the interests of the consumer. It only produced its full effect, however, in its application to the local markets, *i.e.* as far as it was applicable to the industries working for the urban population. The exporting industries, such as, for instance, the weaving industry in the large towns of Belgium and Northern France, were not so successful in adapting themselves. The international markets for which they worked, and the substantial capital they required, did not permit them to submit to a system created for a restricted market and for small producers equal among themselves; this system was incapable of averting conflicts between capital and labour, which first appeared in all their gravity during the course of the thirteenth century. But these were quite rare exceptions. They do not prevent us from regarding the industrial organisation of medieval towns as a masterpiece of its kind. We know with what persistence it survived throughout the centuries, and with what tenacity it resisted in modern times the inevitable changes which resulted from the improvement in communications, in technique, and in capitalism, until the time when the revolutionary movement at the close of the eighteenth century destroyed it, perhaps, too violently.

As we have seen, the activity of urban administration is essentially explicable by the economic problems which it had to face. These problems moreover determined alike the internal and the external policy of the towns.

Internally, it naturally happened that municipal power was exercised by that class of merchants whose trade had formed the nucleus of the town, and who remained the mainstay of its prosperity. In Flanders, in France, England, and the Rhineland of Germany, we everywhere discover until the beginning of the thirteenth century, and sometimes much later, that the members of the Merchant Guild or the Confraternities exercised in actual fact the local government. In all parts, magistrates were elected from the wealthy class which contemporary documents refer to as *maiores*,

divites, homines hereditarii, boni homines, bonnes gens, hommes hérifiables, etc., to whom modern historians, by a very inexact parallel with antiquity, have assigned the name of patricians. In short, the political system prevailing in medieval towns began everywhere by being a plutocratic system. As it progressed, this system naturally and increasingly exhibited all the characteristics of class government, of which it possessed not only the virtues but also the vices. These vices occasioned the opposition which it eventually aroused, which towards the close of the thirteenth century almost always culminated either in its complete overthrow, as in Flanders, Brabant, and the territory of Liège, or in its transformation in a greater or lesser degree. It is nevertheless true that these patricians for long shewed themselves worthy of the task they had undertaken. They offered a magnificent spectacle from the middle of the twelfth century to the end of the thirteenth by their intelligence, their diligent activity, and their capacity for business. They devoted themselves to the public weal with a single-heartedness which commands our respect. It may be said that urban civilisation under their government assumed those characteristics which distinguished it to the end. They created municipal administration in all its details, and endowed it with the various public services which we have endeavoured to describe above.

The external policy to which the townsmen always remained faithful was also inaugurated by them. This policy was moreover imposed by the very nature of the bourgeoisie. To understand it we must realise that the bourgeoisie constituted a privileged class of society. Its manner of life, necessitated by the requirements of its commerce and industry, demanded that it should enjoy the highest possible degree of autonomy, that it should be in a position to protect its interests in the most efficacious manner, and consequently that it should be freed as completely as possible from all external interference. The ideal of every town was—as was said by Guy de Dampierre, Count of Flanders, at the close of the thirteenth century—to be a “world apart.” In other words, it was to become an independent republic, a “free town,” guardian and sovereign over the rights of its burghers. Whether from the Church or from the territorial ruler, it demanded complete autonomy. It wished to escape both from their jurisdiction and from their taxation. It unceasingly strove to obtain, or to seize, additional privileges. Hence so many conflicts with one or the other, so many excommunications launched by the bishops, and so many law-suits or armed conflicts with the lay princes. In most of Europe, the towns did not attain the goal at which they aimed in spite of all their efforts. In England the monarchy maintained its authority over the towns all the more easily because they had never been very powerful. In France, the kings at first supported the communes, but at the close of the twelfth century, when royal power had increased, this policy was reversed. In the Netherlands—Flanders, Brabant, and the district of Liège—the rulers, although almost always obliged to yield to

the demands of their towns, still retained their right of suzerainty, either by pitting one town against another, or by summoning quite early representatives from them to their councils. In fact, it was only in Germany and Italy that the anarchy or weakness of the holders of territorial power enabled the cities to become municipal republics, *i.e.* to become states. In all other parts, in spite of every effort, the towns remained within the framework of the state. And by continuing to form part of the national community, they not only enabled the latter to profit by their energy, but exerted a profound influence on the nature of the national civilisation.

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