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## EARLY URBAN COMMUNES UNDER GERMAN LAW IN HALYČ-VOLHYNIAN RUS' (THE THIRTEENTH TO THE MID-FOURTEENTH CENTURY)\*

### Abstract

From the late twelfth century onwards, the German law became a universal organisational pattern of urban communes spread across Central Europe. Yet, the type of urban commune developed under the German law exceeded the limes of Latin Europe and the bounds of Central Europe, and extended to the area of Rus' – notably, the Halyč-Volhynian Principality – in as early as the thirteenth century. The new communal forms emerged as a group law for the arrivals flowing in from the West, mainly the Germans. These organisations, alien to Rus', emerged within the former, and still functioning, vernacular urban layouts – in the large political and commercial centres of Halyč-Volhynian Rus'. Their development in multiple forms can be traced: initially, settlement of a group of comers from the West – as in Chelm after 1240; a commune of foreign guests, led by an alderman – as in Przemyśl and Lemberg (Lwów, L'viv) before 1300; a self-governed commune – as in Volodimer before 1324; a law-based city – as in Sanok in 1339. These new developments were reflected in the terms used to describe the new realities: it was then, in the thirteenth century, that the word *městič* ('burgher') appeared in Old Rus'ian, a derivative of *město* (initially denoting a 'locus' later on, 'urbs').

**Keywords:** eastward migrations, groups of foreign guests, urban communities, German law, Rus', Halyč-Volhynian Principality

### I INTRODUCTION

As a generally accepted view, along with the distinguishing marks such as parliamentarianism, or universities, what differentiated Latin Europe from its neighbouring East was the emergence and development of small self-governing, or citizen-led, communities with their

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freedoms; particularly, the so-called 'free cities'. The latter notion, known from Max Weber's typology, basically refers to an ideal model of occidental town – a communal city functioning as an association of free co-citizens, established as a recognised legal entity, a territorial corporation, acting as a carrier of its own rights. The occidental town was a unique type: while being, like the other towns or cities, a fair center, a hotbed of production activity, a fortress, and a center of power and administration, its distinctive feature and quality, characteristic to this particular type of urban hub, was the urban commune – *communitas*, or *universitas civium*. The urban commune and its freedoms are the central categories of the aforementioned description.<sup>1</sup>

The political and social model of communal city characteristic of the West, identified in opposition to the oriental or Asian city, is approached as a generic pattern that was used in the urban movement that spread over East-Central Europe since the twelfth century. This ideal type was reflected, with varying strength and precision, in the average type or, putting it more strictly, in a number of average types that – being the real entities – took shape in the region's countries as part of the new urbanisation. A broader autonomy and fully matured forms of urban self-government were attained gradually: the city that deserves the term 'communal' developed evolutionally. Nonetheless, the urban commune and its freedoms – a phenomenon that was novel and crucial to the fundamental distinctness of the new urban model in the context of the previously predominant castle-town (Ger. *Burgstadt*) – were inherently associated with the act of foundation (*locatio*, also referred to as incorporation) of the commune or city and the bestowal of the German Law or the *liberi hospites* ('free guests') law. As noted by Benedykt Zientara, in the early phase this was usually limited to granting groups of foreigners – usually, German comers; at times, Roman merchants or craftsmen – with autonomy. Subsequently, legal and economic immunity, guarantees of personal freedom, hereditary proprietorship and normalised encumbrances paid in money were territorialised and made effective within a defined space – namely, self-contained urban district.<sup>2</sup> The appearance of urban commune –

<sup>1</sup> Otto G. Oexle, 'Max Weber und die okzidentale Stadt', in Albrecht Cordes et al. (eds.), *Stadt – Gemeinde – Genossenschaft. Festschrift für Gerhard Dilcher zum 70. Geburtstag* (Berlin, 2003), 375–88.

<sup>2</sup> Benedykt Zientara, 'Przemiany społeczno-gospodarcze i przestrzenne miast w dobie lokacji', in Aleksander Gieysztor and Tadeusz Roslanowski (eds.), *Miasta*

initially, in its early, personal form and then on, in its final territorial shape – is recognised as the moment that marked a breakthrough which made the East-Central European city part of the development trend of the Western city.

There is evidence, however, that the type of urban commune using the German Law exceeded the limes of Latin Europe, reaching beyond what was the East-Central European area at the time and appearing in the territory of Rus' – specifically, in the Halyč-Volhynian Principality – in as early as the thirteenth century. This occurred at the time when the Rus'ian state still functioned, long before the Polish expansion and the transition it implied, including the wave of the *iure Theutonico* urbanisation that was incited after the country's annexation in the fourteenth century. These organisations, alien thitherto to Rus'ian soil, emerged within the old, and still functioning, local urban layouts. Consequently, two genetically different urban forms began coexisting: the Rus'ian vernacular town, which was a castle-town center, and the germs, or even more developed forms, of the Western communal city. These new urban forms emerged in the major political and commercial hubs of Halyč-Volhynian Rus': namely, in Volodimer (Volodymyr), Przemyśl, Lemberg (Lviv) and, lastly, Sanok. Whilst this list is probably incomplete, it is based on those historic records which attest with sufficient certainty that autonomous communes of 'foreign guests' were present in the towns of Rus'.

The scarce basic sources include the Halyč-Volhynian Chronicle's story of the establishment of Chełm, recorded for the year 1259; confirmation by King Casimir III the Great (Kazimierz Wielki) of the old proprietorship of the Lemberg aldermen or vogts (Ger. *Vögte*), in 1352; an undated bestowal of aldermancy or vogtship in Przemyśl; a letter from the council and the commune of Volodimer to Stralsund, 1324; and, a bestowal of aldermancy in Sanok, 1339. Known for a long time now, these records were referred to by numerous authors, with varying insight; usually, they were briefly enumerated as signals revealing the reception of Western urban forms that occurred earlier

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*doby feudalnej w Europie środkowo-wschodniej. Przemiany społeczne a układy przestrzenne, Prace XI Powszechnego Zjazdu Historyków Polskich, v (Warszawa, 1976), 67–97, esp. 82–4; English version: id., 'Socio-Economic and Spatial Transformations of Polish Towns during the Period of Location', Acta Poloniae Historica, 34 (1976), 57–83, esp. 69–71.*

than it was believed before.<sup>3</sup> This is how they were mentioned by the Lwów-based historian Stefan Sochaniewicz, who found, in 1917, that “in Rus’, the German Law was not a novelty which would have been introduced by the Poles. Indeed, it reached Rus’ together with the Germans, much earlier on”.<sup>4</sup> The need to revisit this view gradually felt among historiographers; meanwhile, in as recently as 1970, Zdzisław Kaczmarczyk stated straightforwardly that “a West European political system or the German urban law never reached” the Rus’ian territory, whereas “Eastern Slavdom clearly opposed Western Slavdom as far as the urban law development relations were concerned”.<sup>5</sup> The more recent literature recognises quite well the presence of Western-type communes in Rus’, making it an object of dedicated studies.<sup>6</sup> However, it sometimes becomes prone to illegitimate, erroneous and exaggerated interpretations. Mentions of aldermancies under the German Law have, at times, been groundlessly treated as evidence for a town’s *locatio*, which would mean that a Rus’ian town was transformed into a Western-type town, legally and spatially autonomous, rather than as signs of a special status granted to a group of foreign arrivals in a Rus’ian town, which would continue living its own way. The issue is therefore worth studying in more depth, starting with compiling separate sources into a complementary whole. Taken separately,

<sup>3</sup> As for the older literature: Ivan A. Linničenko, ‘Čerty iz istorii soslovij v Jugo-zapadnoj (Galickoj) Rusi XIV–XV v.’, *Učenyja zapiski imperatorskogo Moskovskogo universiteta, otdel istoriko-filologičeskij*, xx (1894), 212 ff.; Myxajlo Hruševs’kyj, *Istorija Ukraïny-Rusy*, v (Lviv, 1905), 224 ff. Recently: Christophe v. Werdt, *Stadt und Gemeindebildung in Ruthenien. Okzidentalisation der Ukraine und Weißrusslands im Spätmittelalter und in der Frühen Neuzeit*, Forschungen zur Osteuropäischen Geschichte, lxvi (Wiesbaden, 2006), 56 ff.

<sup>4</sup> Stefan Sochaniewicz, *Wójtostwa i sołtystwa pod względem prawnym i ekonomicznym w ziemi lwowskiej*, Studia nad historią prawa polskiego, vii (Lwów, 1921), 51.

<sup>5</sup> Zdzisław Kaczmarczyk, *Początki prawa miejskiego na Słowiańszczyźnie*, in Juliusz Bardach et al. (eds.), *Europa – Słowiańszczyzna – Polska. Studia ku uczczeniu profesora Kazimierza Tymienieckiego* (Poznań, 1970), 259–79; here, 262. The cited opinion reflects a too far-fetched generalisation.

<sup>6</sup> For the most complete study, see Aleksander Baran, ‘Recepcja prawa niemieckiego w księstwie halicko-włodzimierskim w XIII i pierwszej połowie XIV w.’, in Mykola Bevz and Jurij Lukoms’kyj (eds.), *Korol’ Danylo Romanovyč: kul’turna i deržavotvorča spadščyna joho doby* (Lviv, 2016), 82–97; also, see Sergej S. Pašin, ‘Goroda Galicko-volynskoj Rusi vtoroj poloviny XIII – pervoj poloviny XIV v. i magdeburgskoe pravo’, in Igor’ Ja. Frojanov (ed.), *Genezis i razvitie feodalizma v Rossii. Problemy istorii goroda* (Leningrad, 1988), 139–45.

however important and interesting, they reflect individual instances, whereas combined together, they speak more powerfully, become mutually reinforced and authenticated, offering a pretty distinct image. Arranged into a chronological sequence, they enable to grasp the evolutionary character of the transition in question. The sequence of inflowing, getting settled and organised, and settling down of artisan and merchant groups arriving from the West into the urban environments of Rus' becomes thus apparent. Accordingly, this developmental sequence will be described below in line with this pattern: (i) migration; (ii) obtaining the distinct group status through bestowal of the German Law; and, (iii) territorialisation of the privileged status and emergence of the communal forms.

## II

### CHEŁM, A MIGRATION DESTINATION

The first, migratory stage is vividly rendered by the account of the construction of Chełm, Prince Danil Romanovič's great investment project from the 1230s/1240s.<sup>7</sup> As described in the Halyč-Volhynian Chronicle, after the burg-city was constructed and withstood the Tatars, "Prince Danilo ... began to invite immigrants – Germans, Rus'ians, [all kinds of] foreigners, and Poles – [to the city]. Day after day they came – young people and artisans as, for example, saddle, bow, and quiver craftsmen and iron-, copper-, and silver-smiths [who had] escaped from regions under Tatar occupation. [Thus] life [began to pulsate] and the households, the field, and villages around the city grew rich".<sup>8</sup>

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<sup>7</sup> The chronology of events is arguable; for a review of the opinions, see Ryszard Szczygieł, 'Miasto w późnym średniowieczu. Lokacja na prawie niemieckim', in *id.* (ed.) *Chełm i Chełmskie w dziejach* (Chełm, 1996), 28 ff.; Oleksandr Baran, 'Datuvannja zasnuvannja mista Cholma w Halyč'ko-volyns'komu litopysi', in *Ukraina v Central'no-Schidnij Jevropi*, v (2005), 428–48.

<sup>8</sup> "Knjaz' Danilo ... nača pryzvyvati prichožaa Němci i Rous', i inozazyčnyki, i Ljachy. Idjachu den' v den', i ounoty, i masteri vsjacji běžachu is Tatar' sēdel'nici, i louč'nici, i toul'nici, i kouznicē želēzou i mēdi i srebrou, i bē žizn', i napolniša dvory okrest' grada pole [i sela]"; cf. Dariusz Dąbrowski and Adrian Jusupović (eds.), *Kronika halicko-wołyńska (kronika Romanowiczów)*, Pomniki dziejowe Polski, II, xvi (Kraków and Warszawa, 2017) (hereinafter: KHW), 397–8, recorded for the year 1259 as per the Hypatian Codex. For an English translation, see George A. Perfecky (ed.), *The Galician-Volynian Chronicle, The Hypatian Codex*, ii (München, 1973) (hereinafter: GVC), 75.

The message contained in this picturesque and suggestive but substantive story: the Prince's initiative, highly intense inflow, ethnic miscellany of the arrivals and diversity of their backgrounds, artisans as the dominant group among the migrants, a large ducal hub as their destination, and a successful outcome of the colonisation: a heyday follows and prosperity spreads across the region.

While this spectacular account comes to the fore, it is not necessarily representative in its description of the migration movement towards the burg-city hubs of Rus'. It can be presumed that inflows from the West of merchants, rather than craftsmen, might have been predominant elsewhere; also, migrations might have not been so much campaign- or action-based; not a prince summoning but commercial interests pursued along the two great routes – one leading from Thorn (Toruń) and the other from Silesia and Lesser Poland (Małopolska) – might have provided the impulse for the wayfaring. The routes converged in the Halyč-Volhynian Principality's territory and went further on south-east, towards the Black Sea and Tataria. And, Chełm in the thirteenth century reveals no form of communal organisation whatsoever. We learn of a Western-type city only after Rus' was annexed into Poland – namely, at King Władysław II Jagiełło's bestowal of the Magdeburg Law onto the city in 1392.<sup>9</sup> It is possible that this early-formed artisan colony was given no dedicated group rights at that time.

The colonies of Western (mainly, German) urban populace are clearly revealed in the mentions regarding Volodimer<sup>10</sup> and Sanok;<sup>11</sup> and, doubtlessly, also in Przemyśl and Lemberg (apart from the aforesaid references to aldermancies, which will be discussed later on); the German name 'Lemberg', first appearing in the former half of the fourteenth century, speaks in favour of this view. A Western

<sup>9</sup> Irena Sułkowska-Kuraś and Stanisław Kuraś (eds.), *Zbiór dokumentów małopolskich*, i–viii (Wrocław, 1962–75) (hereinafter: ZDM), viii, no. 2547. While the privilege was targeted at the alderman or vogt, councillors, burghers, and all the dwellers of Chełm – a town organisationally and socially settled by then – the process of attaining this condition remains unknown; it would be backbreaking to associate it with the situation that was initiated some 150 years earlier.

<sup>10</sup> KHW 565, 604, year 1288.

<sup>11</sup> Julian Bartoszewicz (ed.), *Codex diplomaticus Poloniae*, iii (Varsoviae, 1858), no. 88, year 1339: "Theuthonicus, Polonus, Ungarus" (the *singularis pro plurali* is used in the quoted phrase).

group might also have settled in Halyč, though this supposition is not firmly founded.<sup>12</sup>

The ethnic diversity was more significant, as it went beyond the division into an autochthonous and an occidental group. As is known, thirteenth-century Chełm saw “Germans, Rus’ians, all kinds of foreigners, and Poles”, and, possibly, Armenians, living in it;<sup>13</sup> presence of Jewish people in the town is attested for the thirteenth century.<sup>14</sup> Upon the 1392 *locatio*, Germans were seen there again, alongside Poles and Rus’ians.<sup>15</sup> An old Jewish religious community had existed in Przemyśl already in the early eleventh century.<sup>16</sup> There were many groups living in Volodimer. On his demise in 1288, Knyaz’ Volodimer Vasilkovič “was mourned by the entire vast [population of Volodimer] – men, women, and children, [among them] Germans, Surožians, men of Novgorod, and Jews, [who] wept as during the fall of Jerusalem, when they were led into Babylonian captivity”.<sup>17</sup>

<sup>12</sup> A mention of the German Gate (*Nemeckie vrata*) in Halyč (KHW 207, year 1238), from the time before the Mongolian invasion, could serve as the earliest track of German presence in western Rus’, should the other interpretation – geographical rather than ethnic – based on Halyč’s far-reaching contacts with southern German countries, be rejected. The name ‘German Gate’ would thus be derived from the direction of the route starting at the burg-city, rather than referring to a German colony situated nearby. Another, and likewise uncertain, trace pointing to arrivals from Poland is the graffiti at St. Panteleimon’s Orthodox Church in Halyč, recording the wording of a court verdict regarding a certain *Ljach* and dated ca. 1220; Aleksej A. Gippius, ‘Galické akty XIII v. iz cerkvi sv. Pantelejmona’, in Jitka Komendová (ed.), *Pismennost’ Galicko-Volynskogo knjažestva: istoriko-filologičeskie issledovanija* (Olomouc, 2016), 49–64. It might have possibly been an ethnonym (an old name for Poles); this is hard to ascertain, though.

<sup>13</sup> Krzysztof Stopka, ‘Kościół ormiański na Rusi w wiekach średnich’, *Nasza Przeszłość*, lxii (1984), 27–95; here, 42.

<sup>14</sup> Israel M. Ta-Shma, ‘On the history of the Jews in twelfth- and thirteenth-century Poland’, *Polin*, x (1997), 287–317, here 307.

<sup>15</sup> The charter specifies “cives Theuthonicos, Polonos, Ruthenos”; ZDM viii, no. 2547.

<sup>16</sup> Julius Bruckus, ‘Perši zvistki pro Jevreiv u Polšči ta na Rusi’, *Ukraïns’ka Akademia Nauk. Istoryčna sekciya. Naukovyj zbirnyk*, xxvi (1927), 3–11, here, 9–10; Tadeusz Lewicki, ‘Źródła hebrajskie i arabskie do dziejów Przemyśla’, *Rocznik Przemyński*, xi (1967), 49–61.

<sup>17</sup> “I tako plavšesja nad nim’ vse množ’stvo vlodimer’cev, muži, i ženy, i děti s němci, i s”rož’ci, i novgorod’ci, i židove plakachusja jako v vozjatii Ierusalimou, egda vedjachu ich v polon’ vavulon’skyj”; KHW 604–5; GVC 109 (the English translation erroneously has ‘Novgorodok’ instead of ‘Novgorod’).

A well-organised Jewish community in Volodimer (Ludmir') is attested for the same period by the rabbinical *responsa*; the earlier pieces of information date back to the year 1171.<sup>18</sup> The Surożians, mentioned amongst the mourners, were arrivals from Sudak (Italian, Soldaia; Rus'ian, Surož), a trade emporium on the Black Sea; however, the description might have referred, more extensively, to some of the other Pontic merchant colonies. The situation in Lemberg, in reference to the Rus'ian period, is described in a 1356 charter, naming the *naciones Ormenorum, Iudeorum, Saracenorum, Thartharorum, Ruthenorum et aliarum quarumcumque nacionum* – the ethnicities appearing there at the time (obviously, apart from the local Catholic community).<sup>19</sup>

These reality-based wordings unveil the essential and real diversity of the urban communities in Halyč-Volhynian Rus'. Suffice it to point to the example of Sanok, where the presence of Hungarians, nowise notorious in Rus'ian or Lesser Poland's towns, was noticed (and mentioned in the disposition for a 1339 diploma). In this particular case, the mention of a Hungarian settlement is well explained by the intense trade contacts, as the hub was located at an active artery leading southwards, beyond the Carpathians.<sup>20</sup> These contacts as well as Hungarian migrations did not come to an end till the late Middle Ages.<sup>21</sup>

Regardless of the local diversities, Germans are always mentioned among the groups of aliens. The social status of these comers should be named high, as appropriate with their material standing which was founded on the profitable oriental trade. This is convincingly rendered by several source testimonies from the Principality's capital city of

<sup>18</sup> Ta-Shma, 'On the history of the Jews', 307.

<sup>19</sup> Ksawery Liske *et al.* (eds.), *Akta grodzkie i ziemskie z czasów Rzeczypospolitej Polskiej, z Archiwum tak zwanego bernardyńskiego we Lwowie*, i–ix (Lwów, 1868–1883) (hereinafter: AGZ), iii, no. 5. The list of ethnic groups encountered by Casimir the Great in Lwów upon issuing the incorporation charter of 1356 is facts-based and has been confirmed by later sources as well; only the 'Saracens' are mysterious. See Andrzej Janeczek, 'Segregacja wyznaniowa i podział przestrzeni w miastach Rusi Koronnej (XIV–XVI w.)', *Kwartalnik Historii Kultury Materialnej*, lxiii, 2 (2015), 259–81; here, 265 ff.

<sup>20</sup> The route leading from Przemyśl to Hungary, via Sanok and a Carpathian mountain pass called the Hungarian Gate, is attested as of 1231: "do Sanoka i v'rot' ougor'skych", KHW 161.

<sup>21</sup> Przemysław Dąbkowski, *Ziemia sanocka w XV stuleciu*, i (Lwów, 1931), 19 ff.; Feliks Kiryk and Franciszek Leśniak, 'Wymiana towarowa', in Feliks Kiryk (ed.) *Sanok. Dzieje miasta* (Kraków, 1995), 178 f.



Volodimer. When in 1288 Volodimer Vasilkovič, by then fatally ill, marked Mstislav Danilovič as his successor, the solemn transferral of power took place at the Volodimer Cathedral to the presence of the summoned boyars and burghers, Rus'ian and German ones: “[Mstislav] went to Volodimer. Upon his arrival, he entered the cathedral – the Church of the Blessed Mother – and summoned his brother's boyars of Volodimer and the Rus'ian and German inhabitants of the city. [Then] he ordered his brother's document dealing with the bequeathal of the land and all the cities [including] the capital city of Volodimer to be read before everyone, and they all listened both young and old alike”.<sup>22</sup> Before then, Markolt, a German of Volodimer, had the honour to host at his place the Rus'ian Knyaz's Vasilko and Lev, as well as Vojšelk, a Knyaz' from Lithuania: “Markolt, the German, invited all [three] princes – Vasilko, Lev, and Vojšelk – to his house for dinner [where] they began to [eat], drink, and make merry”.<sup>23</sup> The banquet described in the chronicle tells us a lot about the familiarity and prestige enjoyed by the host among the top-level political elite of the Rus'ian state. Groups of Western visitors doubtlessly took advantage of the care and favouritism of the princes. That the relationships were close is also attested by the seal of the Volodimer's German commune, appended to a 1324 letter, using the iconographic motif of Saint George with a dragon: the patron of merchant confraternities as well as of Knyaz' Jurij Lvovič who previously ruled in Volodimer.<sup>24</sup>

### III

#### LEMBERG, AN ALDERMANCY

Now, let us give some details about how the early Western-model communes in Halyč-Volhynian Rus' were organised. The pre-*locatio* commune of Lemberg, used to illustrate the point, was founded upon

<sup>22</sup> “Priechav ou Volodimer’, i echa v episkop’ju k Svjatoj Bogorodici, i s”zva bojary vlodimer’skia brata svoego i městičě, rous’ i němci, i povelě pred vsěmi česti gramotou brat’nju – ot”dan’e zemlě, i vsěx gorodov’, i stol’nogo goroda V’lodimera. I slyšaša vsi ot mala i do velika”, KHW 564–5; GVC 102.

<sup>23</sup> “Markolt že němčič zva k sobě knjazi na oběd, Vasil’ka, L’va, Voišelka – i načaša obědati, i piti, i veselitisja”, KHW 466–7, year 1267; GVC 86.

<sup>24</sup> The seal is described in M. Hruševs’kyj, *Istorija*, ii (Lviv, 1905), 377. This author has also published a facsimile of the parchment manuscript: *id.*, ‘Lyst volodymirs’koj hromady 1324 r.’, *Zapysky Naukovoho Tovarystva imeny Ševčenka*, lxxii (1906), 1–8.

the institution of *Vogtei* – that is, vogtship, or aldermancy, under the German Law. We know about the aldermancy in Lemberg when still a Rus'ian town not from contemporaneous sources but from a document issued by Casimir the Great in 1352 to confirm the title to several realties for the Stecher family – specifically, the grandsons of alderman Bertold, who were the sons of Matthias, the once-alderman of Lemberg.<sup>25</sup> The timeframe of Bertold's activity is not specified: it is only known that the estate under confirmation had been bestowed to him by Prince Lev: *per magnificum principem felicis recordacionis dictum Leonem ducem Russie pro suis fidelibus serviciis*. The only dating element is the 'Leo dux', which refers either to Lev Danilovič (d. ca. 1300) or his grandson Lev Jur'evič (1308–23). While the historians' views on this matter are differing, none is based on a prevalent argument. Moreover, the said document raises various doubts, the basic hesitation concerning the authenticity of the donation being confirmed, as a great portion of what is referred to as 'Knyaz' Lev's bestowals' are notorious forgeries that were produced out of the need to legitimise the old belongings under the new political conditions.<sup>26</sup> Rather than summarising the debate, let us confine ourselves to the statement that the document in question and its message can be trusted and acknowledged of; consequently, the formation of the Lemberg aldermancy organisation can be dated at the last three decades of the thirteenth century or the beginning of the fourteenth.

The credibility of this communication regarding a hereditary aldermancy in Lemberg, benefited by the prince in exchange for some undefined services – possibly, works contributing to the formation of the early urban commune – is reinforced by the case of Przemyśl.

#### IV

#### PRZEMYŚL, ANOTHER ALDERMANCY

For this particular case, not only do we have the information that aldermancy was bestowed but we have a document for that – or, more

<sup>25</sup> AGZ ii, no. 1.

<sup>26</sup> The discussion on this topic held once between Ivan A. Linničenko and Myxajlo Hruševs'ky has never been followed up, let alone resolved; see Linničenko, 'Čerty', 53 ff.; Myxajlo Hruševs'kyj, 'Čy majemo avtentyčni hramoty kn. L'va', *Zapysky Naukovoho Tovarystva imeny Ševčenko*, xlv (1902), 1–22; *id.*, 'Ešče o gramotach kn. L'va Galickogo', *Izvestija Otdelenija Russkogo Jazyka i Slovestnosti*, ix, 4 (1904), 268 ff.

strictly, its actual transcription. It is, namely, a late, fifteenth-century Latin translation of the Rus'ian charter (*gramota*) issued by Knyaz' Lev in respect of a sale of the aldermancy, together with a stone church of St Nicholas, to a certain John.<sup>27</sup> Again, doubts and questions are raised, as was the case with Bertold's bestowal in Lemberg: a translated version is available whilst there is no original; the issuer appears disgraced by the late-medieval wave of forgeries; added to these are the hesitations between Lev Danilovič and his grandson Lev Jur'evič. The discussion evoked by these problems has produced arguments in favour of deeming the charter's trustworthy. However tersely and crudely written, the testimony is overly interesting; actually, there is nothing special about its form: it is the issuer's document, whereas conciseness and simplicity were characteristic of Rus'ian diplomatics. This inaptly compiled writ contains certain noteworthy elements typical of aldermancy contract: assignation of aldermancy, and its disposal based on perpetuity (and thus, no doubt, on hereditariness); transfer into the German Law jurisdiction (*vendidi ... in ius Thevtunicum*); bestowal of forensic immunity to those described as *homines civiles* (whatever phrase might have been used in the Rus'ian original); granting the alderman with the right to judge; and, rendering him independent of the other instances, apart from the judgment of other cities' aldermen and the prince himself. Nothing is said of entrusting the alderman with settlement tasks, commissioning him to be in charge of constructing the urban infrastructure or planning spatial regulations. Instead, emphasis is placed on establishing the alderman's autonomous judiciary. Worthy of note is the triple ascertainment of establishment of the German Law, as if in order to reinforce the certainty of the immunity's extension, and the transfer of St Nicholas'

<sup>27</sup> "Ego dux Leo vendidi advocaciam in Premislia Johanni et lapideam ecclesiam sancti Nicolai in ius Thevtunicum et ipse m(ih)i pro isto dedit duas marcas auri et quadraginta stamina panni flavei alias szyuych. Et vendidi sibi cum omni iure Thevtunico. Advocatum nullus debet iudicare, solum advocati civitatum iure advocatorum et nullus ipsum debet evocare, nisi ante ducem. Hic ipsum debet dux iudicare cum advocat(is) iure advocatorum. Et homines civiles nullus debet iudicare, nisi advocatus iure Thevtunico. Vendidi sibi perpetue et in ewm et quis super verbum meum asscenderet, iudicium habeo secum coram Deo"; Cf. Andrzej Janeczek, 'Ząb kniazia Lwa. W kwestii wiarygodności przemyskiego przywileju wójtowskiego', in Cezary Buśko *et al.* (eds.), *Civitas et villa. Miasto i wieś w średniowiecznej Europie Środkowej* (Wrocław and Praha, 2002), 177–89; contains a discussion of the earlier editions and relevant studies.

church, apparently identical with the rotund whose remains survive today in the basement of the local gothic cathedral's presbytery. Altogether, the bequeathal formed a package of basic settlement freedoms for those arriving from the West, whilst also giving the grounds for organising a legally autonomous urban commune under the alderman's auspices.

The Przemysł charter under discussion is a phenomenon in the lands of Rus' and one of the very few such documents in the whole Central and East European territory whereon the urban reform extended. It is comparable with the much earlier privilege of Duke Soběslav II Přemyslid for the Germans in Prague (1174–8). Its importance consists in that it reveals the initial stage of an alderman's commune getting organized, and the early reception of systemic patterns that had been alien to the principality before. Apart from the institution of immunity and the German Law – and, basically, the related court proceedings and legal customs – elements of the feudal system were introduced, as is clearly attested by the right of special lawsuit (suing the defendant before the prince) guaranteed to the alderman; and, the peers' court – composed of the city's aldermen to whom he was to submit, on an exclusive basis.<sup>28</sup>

Irrespective of how different the available records may appear to us, we can find evidence attesting that the autonomous status of these two Rus'ian hubs was attained through an agreement with the prince, along with some distinct manifestations of a separate urban organisation which drew from the German Law and was equipped with autonomy, court proceedings of its own, hereditary aldermancy, and a Catholic temple. Coupled together with the other freedoms, not explicated in King Casimir's confirmation deed or in the Przemysł charter – namely, guaranteed personal freedom, property ownership, and fixed normalisation of payments – these institutions exhausted the elementary requirements of the newcomers inflowing from the West. On the other hand, a self-government model, urban commune's representative institutions, a council apparently did not exist, save for one exception.

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<sup>28</sup> Andrzej Janeczek, 'Gmina prawa niemieckiego w przedlokacyjnym Przemysłu – we mgle wątpliwości i sporów badawczych', in Vitaliy Nagirnyy and Tomasz Pudłocki (eds.), *Przemysł i ziemia przemyska w strefie wpływów ruskich (X – połowa XIV w.)*, *Colloquia Russica I*, ii (Kraków, 2013), 224–34.

V  
VOLODIMER, AN URBAN COMMUNE

The city of Volodimer in Volhynia occupies a unique place among the urban hubs of western Rus'. It was in Volodimer that *consules ac universitas civitatis Ladimiriensis* appeared, as attested for the year 1324 – possibly using a chancellery of their own, along with the town's, or council's, official seal. In the letter to Stralsund, they stood up for their *fratres, concives* – the issue was to retrieve a load of Flanders cloth that was transported on a vessel that had drowned at the Baltic Sea coast.<sup>29</sup> These already-developed forms of self-government organisation are not surprising as far as Volodimer is concerned, since it functioned then as the busiest hub in the great trade along the route from Thorn and the trading posts of the Pontic zone – Kaffa, Sudak, or Tana. Worthy of reminding is the presence of German burghers in Volodimer and their high position in the city's community, recorded for the 1260s and 1280s, as is the coincidence of heraldic representations (St George fighting the dragon) used by the local privileged commune with the ruler Jurij L'vovič, described as *rex Russie, princeps Ladimerie* (d. 1308). This might, also, point to the origins of this advanced stage of organisation of the colonisation of the Volodimer Germans,<sup>30</sup> all the more that Jurij supported the inflow of Western merchants and took them into care, respecting the *ius hospitum*. His son Andrej, Prince of Volodimer, mentioned this in a 1320 document for the city of Thorn, which confirmed to *omnibus hospitibus* their granted "iura, que tempore patris nostri felicitis memorie in terra Russie omnes negociatores habuerunt".<sup>31</sup>

The later history of the commune remains unknown. The city was struck by tough economic conditions once the main directions of commercial exchange shifted in the mid-fourteenth century, and lost its role as the region's central hub in the trade with the East.

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<sup>29</sup> Konstantin Höhlbaum (ed.), *Hansisches Urkundenbuch*, ii (Halle, 1879) (hereinafter: HUB), no. 420. Cf. Hruševs'kyj, 'Lyst', 1–8. The document has been used by a number of authors – one of the recent examples being a study discussing East European trading in cloths with Tournai: Oleksandr Musin and Ivan Myronjuk, 'Torhovi plomby Turne z Halyča ta nadchoždennja zachidnojevropejs'kych tkanyn do Schidnoi Jevropy v XIV–XV st.', in Myroslav Vološčuk (ed.), *Halyč. Zbirnyk naukovych prac* (Ivano-Frankivs'k, 2017), 16–50.

<sup>30</sup> M. Hruševs'kyj was the first to make this guessing; cf. *id.*, 'Lyst', 8.

<sup>31</sup> HUB ii, no. 371.

VI  
SANOK, A CHARTERED TOWN

Sanok offers the clearest image, as this city has preserved an impeccably credible document: an original diploma of the last prince of Halyč-Volhynian Rus', Boleslaus-Jurij Trojdenovič, of the Masovian Piast house. More specifically, it is an aldermancy contract, compiled according to the relevant clerical rules, providing for bequeathal of aldermancy to Bartko of Sandomierz, additionally entrusting him with chartering the city (*locatio*). This is the earliest known, and the only, charter of this kind from the time of West Rus'ian Principality, issued in 1339 – shortly before the prince's sudden death and the collapse of his state.<sup>32</sup>

The complete and detailed disposition of this document attests to an impetuous pace at which Western urban models were getting adapted in Rus' and to a fast multiplication of organisational experiences: suffice it to juxtapose it against the earlier, and primitive, charter of Przemyśl. No wonder, though: among the witnesses of the document, written down in Volodimer, featured are experts in urban affairs such as Bartholomew, the first known vogt of Old Warsaw, who came from Thorn or Kulm (Chełmno);<sup>33</sup> or, Adalbert, the vogt of Bochnia, identical with *comes* Wojciech of Lipie, who pursued a colonisation action in the Podhale area together with the Cistercians of Szczyrzyc.<sup>34</sup> Granted with the aldermancy, Bartko was probably not a beginner, either: after

<sup>32</sup> Bartoszewicz (ed.), *Codex*, iii, no. 88; Feliks Kiryk, *Przywilej lokacyjny miasta Sanoka z 1339 roku* (Przemyśl, 1992), 3; *id.*, *Lokacja miasta*, in *id.* (ed.) *Sanok*. 91 ff.

<sup>33</sup> Aleksander Gieysztor, 'Społeczeństwo Warszawy w średniowieczu i dawnej Rzeczypospolitej', in Józef Kazimierski *et al.*, *Społeczeństwo Warszawy w rozwoju historycznym* (Warszawa, 1977), 14; Stefan K. Kuczyński, *Herb Warszawy* (Warszawa, 1977), 18 f.; Stella M. Szacherska, 'Wójtowie dziedziczeni Starej Warszawy w XV i XVI wieku', in Stefan K. Kuczyński, *Społeczeństwo Polski średniowiecznej*, i (Warszawa, 1981), 292. M. Hruševs'kyj erroneously doubted whether Bartholomew, the witness at Volodimer, came from Warsaw indeed; cf. *id.*, *Istorija*, iii (Lviv, 1905), 135). This was certain to Stanisław Zakrzewski; cf. *id.*, 'Wpływ sprawy ruskiej na państwo polskie w XIV w.', *Przegląd Historyczny*, xxiii, 1 (1921–1923), 100; likewise, to Henryk Paszkiewicz; cf. *id.*, *Polityka ruska Kazimierza Wielkiego* (Warszawa, 1925), 41. The latter author adds another reason for Bartholomew's trip to Rus': he pursued a diplomatic mission in the service of the Teutonic Order.

<sup>34</sup> Feliks Kiryk and Zygmunt Ruta (eds.), *Bochnia. Dzieje miasta i regionu* (Bochnia, 1980), 86. Wojciech acted as alderman of Bochnia in 1327–46; see Zofia Leszczyńska-Skrętowa and Franciszek Sikora (eds.), *Słownik historyczno-geograficzny województwa krakowskiego w średniowieczu*, i, 1 (Wrocław, 1980), 159. This fact was known already to M. Hruševs'kyj, *Istorija*, iii, 135.

all, he was a native of a large center with established urban practice. The provenance of the foundations of the urban model, which are apparent for Sanok, is noteworthy: it is evident that patterns from closer areas, Lesser Poland and Masovia, became active there.

The solution adopted in Sanok was a novelty on the Rus'ian soil. The charter rendered all the city's inhabitants subject to the alderman's jurisdiction. Thereby, a joint amenability to law, shared by all the residents, was introduced and group laws rejected. The consistency of jurisdiction and applied law implied a territorial – and not personal, like before – competence of alderman's jurisdiction, which meant that a court district emerged (“in districtu confinioque eidem civitati Sanok assignato”). Within it, the alderman's court and the German Law were exclusively binding. A regulation close to the one adopted in Sanok is comprised in Casimir the Great's privilege of Lemberg, issued a not much later, in 1356, but in an already-different political environment. The king entrusted the jurisdiction of non-Catholic communes, again, to the local German-Law alderman; however, the communes were allowed to unrestrainedly choose between their own group law and the Magdeburg Law.

The role attributed to alderman Bartko in Sanok was completely different than that of his peer, John, in Przemyśl. The tasks for the former were set by a dissimilar, and incomparably broader, programme: he was expected to found the town, which meant, build a legally, economically and spatially homogeneous city under the German Law in lieu of the thitherto-existing burg-city center, rather than organise a German-Law commune beside the continually functioning entity. How much of the projected urban changes he succeeded to carry out, remains unknown;<sup>35</sup> the prince was dead in the following year, and the country was immersed in a political crisis and warfare.

## VII

### ALDERMAN-LED URBAN COMMUNE

The examples quoted above are illustrative of the varied organisational models of foreign colonisation and settlement in burg-city centres

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<sup>35</sup> In 1366, King Casimir III the Great issued a new privilege, bestowing the Magdeburg Law on the town; the alderman's office remained vacant at the time; AGZ iii, no. 15.

of Rus'. Albeit scarce, they form a clear developmental sequence: (i) a colony of newcomers, having no institutional forms developed yet (as, possibly, in Chełm); (ii) a commune of foreign guests, led by the alderman (as in Przemyśl and Lemberg); (iii) a self-governed commune (as in Volodimer); (iv) a territorially separated city under the German Law (as in Sanok). This looks like a consistent evolutionary process whose stages correspond with the consecutive periods; namely, the emergence of alderman-led commune ought to be referred to the latter half of the thirteenth century; the communal system, to the first decades of the fourteenth century; the territorial city, to the final years of the Halyč-Volhynian Principality. While this certainly depicts an excessive build-up of experience and maturing of organisational solutions, it should not be interpreted as a linear process of change and transition occurring in time intervals that are suggested by fractional sources.

There is no reason to state that these quite-advanced forms, announced by the special case of Volodimer, let alone Sanok – perhaps not completely attained there before 1340 – extended to the other colonies set up under the German Law in urban centres of the princely Rus', especially for the earlier stage. The description of 'alderman-led city' – or, more strictly, 'urban commune administered by alderman' – can be kept for them.<sup>36</sup> Such solutions were no novelty to the early practice of colony organisation: the examples include Stettin, Breslau, Danzig, or Cracow,<sup>37</sup> between the late twelfth and the thirteenth

<sup>36</sup> Andrzej Janeczek, 'Ile razy Przemyśl lokowano? Z zagadnień formowania gminy miejskiej na Rusi Halickiej w XIII–XIV wieku', in Tadeusz Wasilewski (ed.) *Inter Orientem et Occidentem. Studia z dziejów Europy Środkowowschodniej ofiarowane Profesorowi Janowi Tyszkiewiczowi w czterdziestolecie pracy naukowej* (Warszawa, 2002), 103–15; for a German version, see *id.*, 'Wie oft wurde Przemyśl gegründet? Zur Genese städtischer Gemeinden in der Halič'er Rus' im 13.–14. Jahrhundert', in Eduard Mühle (ed.), *Rechtsstadtgründungen im mittelalterlichen Polen, Städteforschung A/81* (Köln, 2011), 339–54.

<sup>37</sup> Zientara, 'Przemiany', 83; Marta Młynarska-Kaletynowa, *Wrocław w XII–XIII wieku. Przemiany społeczne i osadnicze* (Wrocław, 1986), 79; Sławomir Gawlas, 'Nova civitas in Okol. Fragment z dziejów Krakowa', in Stefan K. Kuczyński (ed.), *Spółczesność Polski średniowiecznej*, vi (Warszawa, 1994), 103; Jerzy Wyrozumski, 'Przedlokacyjna aglomeracja osadnicza gmina miejska na prawie niemieckim', in Maria Bogucka *et al.* (eds.), *Studia nad dziejami miast i mieszczaństwa w średniowieczu*, i (Toruń, 1996), 113; Jerzy Rajman, *Kraków – zespół osadniczy, proces lokacji, mieszczanie do roku 1333* (Kraków, 2004), 173 ff.



centuries. In the later period, they were applied in the area of Masovia as well.<sup>38</sup> The changes of numerous urban centres in the Grand Duchy of Lithuania came to a stop, in the fifteenth or sixteenth century, at the alderman-led city stage. The urbanisation process there occurred in two clearly different stages: the one of 'small' Magdeburg Law, with the alderman's office with jurisdictional prerogatives set up; and, the one of the 'big', or complete, urban law that established a privileged and self-governing city.<sup>39</sup>

The immediate consequent questions that arise should be left aside; these are: does the establishment of an aldermancy under the German law in a continuously functioning Rus'ian burg-city exhaust the definition of town's *locatio*? This can be legitimately doubted, in spite of the statements that precipitately and thoughtlessly identify the former with the latter. Did the spatial regulation follow the setting up of a commune? This question is difficult and calls for responsible consideration, rather than constructing some visions whose authors give vent to their own imagination. Did the legal and economic immunity of a group of guests imply a topographic segregation? How were the issues of religious cult dealt with? Did a 'merchants' church' (*ecclesia mercatorum*) of any sort emerge? What was the role of religious orders, notably the Blackfriars and the Franciscans that were active as missionaries in the territory of Rus' already in the 1230s. Also, the question about the extent of application of the German Law in old Rus'ian centres has to be, meanwhile, neglected; the same applies to the extent of alderman's rule, the relationships between the German commune and the other communes, autochthonous and alien, in multi-group urban conglomerations of Halyč-Volhynian Rus'. The answer that readily comes to mind is that the principle of legal personality that functioned in combination with the spatial, settlement-related (colonial) segregation.<sup>40</sup> Such solutions were applied

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<sup>38</sup> Stanisław Russocki, 'Etapy lokacji miejskich na Mazowszu w XIV–XV wieku', *Przegląd Historyczny*, lv, 2 (1964), 189–97.

<sup>39</sup> Juliusz Bardach, 'Miasta na prawie magdeburskim w Wielkim Księstwie Litewskim od schyłku XIV do połowy XVII stulecia', *Kwartalnik Historyczny*, lxxxvii, 1 (1980), 21–51, esp. 29 ff.

<sup>40</sup> Dietmar Willoweit, 'Zur Frage des Personalitätsprinzips im Sachsenspiegel und in schlesischen Lokationsurkunden des 13. Jahrhunderts', in *id.* and Winfried Schich (eds.), *Studien zur Geschichte des sächsisch-magdeburgische Rechts in Deutschland und Polen*, Rechtshistorische Reihe, x (Frankfurt a.M., 1980), 94–115.

in similar situations on the verge of foreign colonisation in Bohemia, Silesia, or Lesser Poland. The situation in Novgorod Velikij (Novgorod the Great) was formed in a similar way, and quite clearly so.<sup>41</sup>

## VIII

### MĚSTIČ, AND SOME OTHER TERMS OF RELEVANCE

The social importance of the early organisations of the communes organised under the German Law in the territory of Rus' and their influence on the changes of Rus'ian towns are not easy to assess. They were probably considerable as it was right then, in the thirteenth century, the new, previously unknown, term *městič* ('burgher') appeared in the Old Rus'ian language.<sup>42</sup> Thitherto, dwellers of Rus'ian towns had been described with use of words such as *gražane*, *gorožany*, *muži gradskii*, all derived from *grad* (from the Proto-Slavic \**gordь*, 'stronghold'). The thirteenth century saw the appearance among the speakers of a previously unknown word, coined based on the Old Slavonic *město*, now imbued with a new meaning. By then, it was basically identical with the Polish *miejsce* or the Latin *locus*; ever since, it signified 'urban settlement'. Thereby, a semantic parallel appeared, as observable in the German language (Middle High German, 'stat' > 'Stadt'),<sup>43</sup> as well

<sup>41</sup> Ferdinand Feldbrugge, *Law in Medieval Russia* (Leiden, 2009), 270 ff.

<sup>42</sup> The earliest appearance of the word *městič*, as recorded by Izmail I. Sreznevskii, comes from the chronicle of Pereyasavl Suzdalsky; cf. *id.*, *Materialy dlja slovarja drevne-russkogo jazyka*, ii, 1 (Sankt Peterburg, 1902), 244. The word namely appears in a fragment on the fulfilment of the prophecy of Theodosius of the Caves, which accompanies the narration on the unearthing and translation of his relics (1091). The story is known from, inter alia, the *Tale of Bygone Years (Povest' vremennykh let)*, and concerns the friendship bestowed by Theodosius, the then-Abbott of Kiev Monastery of the Caves, upon two lay persons from outside the monastery – Jan and Maria, a married couple; see Dmitrij S. Lichačev (ed.), *Povest' vremennykh let*, i (Moskva, 1950), 139. In quoting the story, the Pereyasavl Suzdalsky *letopis*, names Jan a *městič*: "Edinoju bo emou ljubjašče nekoie mēstiča, imenem Jana, ženež ego imja Mřija"; cf. Michail A. Obolenskij (ed.), *Lětopisec Perejaslavlja suzdal'skogo* (Moskva, 1851), 50. Describing the events of the years 1138–1214, the chronicle was written in 1216–19 (but is known from a later, fifteenth-century manuscript).

<sup>43</sup> Herbert Ludat, 'Die Bezeichnung für 'Stadt' im Slawischen', in Manfred Hellmann et al. (eds.), *Syntagma Friburgense. Historische Studien Hermann Aubin dargebracht zum 70. Geburtstag* (Lindau, 1956), 107–23; reprinted as *id.*, *Deutsch-slavische Frühzeit und modernes polnisches Geschichtsbewusstsein* (Köln, 1969), 82–96; *id.*, 'Zum Stadtbegriff im osteuropäischen Bereich', in Herbert Jankuhn (ed.), *Vor- und Frühformen*

as in other languages, notably West Slavic and, partly, South Slavic; Old Rus'ian was apparently part of the trend. Thus, *městič* referred to a resident of a city with privileged commune, basically a large one; a *civis*. The Halyč-Volhynian Chronicle uses the names of *město*, *městič* in reference to the Silesian town of Środa ("the German town named Środa") as well as to the city of Cracow and its inhabitants – as opposed to Cracow the burg-city (stronghold) and its crew;<sup>44</sup> the situation in Rus' – Volodimer, to be specific – is reflected in a mention related to the year 1288, reading "městičě, rous' i němci", meaning "burghers, Rus'ians, and Germans".<sup>45</sup> More such records in the Rus'ian language come from the early Polish period, yet they doubtlessly draw upon the lexical resource developed when Rus' was ruled by the princes.

The linguistic process consisting in a so regular semantic shift of the word *město* and its derivative *městič* reflects the social processes related to the colonisation and urbanisation brought about under the German law.<sup>46</sup> Given the context, the western Rus'ian lands pose an interesting research problem. The fact that the need for naming a new quality produced a description corresponding with that used in the Western Slavdom is not striking, as identical organisational models entail and spread their technical terms. What is astonishing about it is that the need appeared in Rus' at the same time as it did in Bohemia or Poland,<sup>47</sup> the territories onto which colonisation

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*der europäischer Stadt im Mittelalter*, i (Göttingen, 1973), 77–91; reprinted as *id.*, *Slaven und Deutsche im Mittelalter* (Köln, 1982), 226–41; Ernst E. Metzner, "burc' und 'stat' als Stadtnamenwörter im östlichen und östlichstem Ostmitteldeutschen des 13.–15. Jahrhunderts", *Zeitschrift für Ostforschung*, xxvi, 2(1977), 193–244.

<sup>44</sup> *Město německoe imenem' Sreda*: KHW 226; *město, městiči – gorod, gorožany* in a description of the 1289 siege of Cracow: KHW 623–4. The mentions are listed in Aleksander Baran, 'Pojawienie się terminu „miasto” w językach polskim i ruskim w XIII wieku (na materiale „Kroniki halicko-wołyńskiej)', *Limes. Studia i Materiały z Dziejów Europy Środkowo-Wschodniej*, v (2012), 7–12.

<sup>45</sup> KHW, 564–5.

<sup>46</sup> Władysław Kuraszek, 'Miasto', in *Słownik starożytności słowiańskich*, iii (Wrocław, 1967), 211; Ludat, 'Bezeichnung', 107 ff.; *id.*, 'Zum Stadtbegriff', 77 ff.; Sławomir Gawlas, *O kształt zjednoczonego Królestwa. Niemieckie władztwo terytorialne a geneza społeczno-ustrojowej odrębności Polski* (Warszawa, 1996), 37, 144.

<sup>47</sup> Thus, it is not true that the Ukrainian word *misto* is "probably a later borrowing from Polish", as in Tadeusz Lalić, 'Stare Miasto w Łęczycy. Przemiany w okresie poprzedzającym lokację – schyłek XII i początek XIII w.', *Kwartalnik Historii Kultury Materialnej*, iv, 4 (1956), 631–78; here, 640. This opinion was shared by H. Ludat, 'Zum Stadtbegriff', 80 (229).

processes had spread much earlier on, without an expected delay. Such a conclusion is based on the present research, which otherwise needs to be developed. The Czech *město* ('town') is believed to have appeared in second half of the thirteenth century, and is first attested in writing in the early fourteenth century.<sup>48</sup> The Polish words *mieście* ('town') and *mieścic* ('burgher'; very close to the Old Rus'ian *mestič*) spread from the beginning of the fourteenth century.<sup>49</sup> The use of these words in the Halyč-Volhynian Chronicle, written down in the latter half of the thirteenth century, testifies to an extremely vivid linguistic response to the freshly introduced political systemic novelties long before a thorough reconstruction of the society and economy that took place in Rus' in the aftermath of Polish expansion from the middle of the fourteenth century.

## IX

### THE FALL OF THE PRINCIPALITY (1340), POLISH RULE AND NEW URBANISATION

What course would have been taken by the further evolution of the early urban movement in the main burg-city centres and trade emporia of Rus', is not known. In 1340, the Halyč-Volhynian Principality collapsed and its territory was conquered by Poland and Lithuania. The interesting development of occidental forms beyond the limes of the West, in the zone of a different urban model, was thus broken. The pattern of transition observed there repeated the general trend in the chartering processes occurring in East-Central Europe: from an autonomous urban colony composed of arrivals from the West and forming into a German-law commune led by the alderman (vogt) up to emergence of a territorially organised town and its self-government institutions.

The further change took a completely different path. After the mid-fourteenth century, in the 'age of Polish rule', the Crown Rus' saw a wave of town foundations: established were not only capital

<sup>48</sup> František Hoffman, *České město ve středověku* (Praha, 1992), 38.

<sup>49</sup> Aleksander Brückner, *Słownik etymologiczny języka polskiego* (Kraków, 1927), s.v.: 'miasto'; Kuraszkiewicz, 'Miasto'; *Słownik staropolski*, iv (Wrocław, 1963–1965), s.v.: 'miasto', 'mieszczanin', 'mieścic'. In toponyms, traces are attested since the mid-fourteenth century; cf. Lalik, 'Stare Miasto', 644 ff.

cities but also hubs of secondary importance; the wave expanded to villages, or even empty locations. This marked not only a quantitative but, definitely, a qualitative change. These new establishments or incorporations were founded upon a different programme – one that envisioned a transformation of the conquered country through a systemic (political, constitutional) reform, colonisation, urbanisation, the building of territorial dominions and formation of landed estates, which cities positioned at their centres, constructed also in view of reinforcing the defence capacity of Rus'. These urban hubs came out of modernisation of the incorporated province and adaptation of its economic and social structures to those already developed in the Crown – rather than having resulted from the favouring of large trade and the princely strategy of protectionism focused on groups of comers from the West, with the need to offer them an autonomous status in a Rus'ian burg-city-modelled town, as had formerly been the case. This former line of pro-urban and pro-commercial policies practiced under the rule of the princes had its last manifestation in a *gramota* of a mighty boyar Dymitr Detko, dated around 1341–2. He took over the power in the Halyč Principality after Boleslaus-Jurij Trojdenovič, who was poisoned to death, and temporarily wielded it, with permission of Poland and Hungary, as a *provisor seu capitaneus terre Russie*. During this temporary calm-down of the havoc, he addressed to the councillors, merchants, and the entire commune of Toruń a document notifying that peace had been made, guaranteeing security and encouraging to renew commercial activity. Those who would be willing to settled down in Lemberg were offered free hereditament, an annual tax fixed at the previous amount, some (not quite clearly defined) freedoms, and compensation for damages (“qui vero ad commansionem ibidem venire proposuerint, hereditatem liberam concedimus et donamus, prout pristini exactionem nobis annuatam necnon alia iura solum sint tribuentes”).<sup>50</sup> From the formal perspective, this was clearly not a privilege chartering a group of Western arrivals in the then-deserted Lemberg; still, the offer spoke of the basic freedoms characteristic of a German-law commune: *hereditas libera, exactio annuata, iura*. A dozen years later, in 1356, the actual *locatio* was carried out by King Casimir the Great, in a new manner – chartering and thus establishing the city of Lemberg, rather than a commune of foreign merchants in

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<sup>50</sup> HUB, ii, no. 690.

Lemberg. Incorporated in the Polish Crown, Rus' witnessed an intense urbanisation *iure Theutonico* – with more than a hundred towns or cities having emerged by the year 1500.

*trans. Tristan Korecki*

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