

On the Pre-council Municipality of Schleswig

By Christian Radtke

Historiographical research has never questioned that the social structure of 12th-century Schleswig was dominated by the Guild of long-distance merchants. The Guild was of equal importance to the ruling elements of the King and the Duke in its municipal constitution. Erich Hoffmann and Hans-Friedrich Schütt¹ have devoted many articles to this subject and it has not been questioned by Scandinavian scholars; I have previously subscribed to this theory.

The basic premise of this picture seemed to be clear and well-ordered. The long-distance merchants who dominated the economic life of the town of Schleswig are thought to have united in a Guild by at least the time of Duke Knud Laward (1115-1131). This Guild could represent their interests and also offer protection and security for long-distance traders who were far away from their families. The Guild is thought to have participated in peace-keeping and jurisdiction through the system of 'Eideshilfe' (help granted by oath) and also to have influenced the rules of market life and the currency. According to Hoffmann², the Guild's local Scandinavian and imported continental organizational functions were united into a new totality in Schleswig. The head of this Schleswig Guild was apparently the Duke himself.

This model is said to have been transferred to a number of Danish and Swedish cities of the Baltic

Sea area in the form of filiations until c. 1177 when King Valdemar I united the existing Guilds into the union of the Knudsgilde. Then, according to this view, the local Guild organization of the 12th century ran without severe breaks into the council constitution of the 13th century. Schleswig is said to have been the »Mother Guild« of all these »Daughter Guilds«.

Thus, analysis of the Guild's rank in the political and legal life of the town is of special significance, shown clearly by Kai Hørby's statement »that the municipality was obviously ruled by the Guild«. ³ So it should be possible to recognize traces of this rule in the political actions and attitudes of the town.

A new interpretation of the sources so far used and the inclusion of sources so far unconsidered suggest that this opinion should be distrusted and that other organizational models and judicial structures should be looked for.

The basis of all considerations is the *convivium quod appellatur Hezlagh* in the *Vetus Chronica Sialandie*.⁴ It is mentioned in connection with the murder of King Niels by the *burgenses* of Schleswig on 25 June 1134. The report of the *Chronicon Roskildense* from c. 1138 has so far been almost disregarded. It was written at about the same time as the events were taking place in Schleswig in the summer of 1134. This text is surely of higher source-value than the Sealand



*The seal of the Guild of duke Knut
Lavard from Schleswig ca. 1200.
Drawing: Magnus Petersen.*

Chronicle which was compiled in Sorø Monastery roughly a hundred years after the events. In the Roskilde Chronicle³ it is said: »When the king enters the town, the inhabitants make a promise of fidelity (*fidem dare*) and confirm an oath (*iuramentum confirmare*)«. That is to say, in this politically highly explosive situation they renew an already existing oath. They meet the king as a community joined together by an oath, they are *coniures*, a fact also known from the Sealandic Chronicle which calls the community joined together by oath *convivium* and *Hezlagh*. In this context it should be considered whether *fides* and *iuramentum* are commensurate and whether they should be considered as closely related. In a constitutional sense *fides* means the oath of fidelity to a *dominus*, but also the oath among the sworn confederates (*Eidgenossen*) in the municipal community by which they are bound to fidelity and to help and council one another.

This is the picture from the Roskilde Chronicle. It may be that the chronicler found it difficult to understand the constitutional conditions in Schleswig but this, at least, is obvious: as a totality the citizenry is the King's opponent, united by oath. The *iuramentum* cannot be understood in any way other than on the basis of a *coniuratio*, the *Schwureinung* in which the entire community was united in an association joined by oath.

Everything indicates that in this highly political situation Schleswig deliberately took its own course in political and military matters against the hereditary royal power. This was the attitude taken by Schleswig after the winter of 1131/2. Unlike in the summer of 1134, the town denied the king admittance and entertained negotiations for alliance with Count Adolf II of Holstein; it also received and protected the Pre-

tender Erik throughout the winter. This was an unheard of act of the highest political and legal significance: a single community, the town of Schleswig, was acting as a treaty partner with rights equal to those of a foreign sovereign power. Here began an open rebellion against royal power. The town offered the Count 100 marks of silver for his help and organized the city's defences. At this time, then, the municipality was in possession of the financial and military sovereignty of the town and thereby exercised the two most important branches of power. The municipality acted as a legal corporate body, with its own management and individual actions.

The town was in a state of war with its sovereign. The pertinent passages of historical sources about these events and processes may be summarized as follows. The municipality's *burgenses* had sworn allegiance to their own master, the *dux*, who represented their internal and external affairs; he was *senior* and *defensor* of the town's interests. It seems that we know at least a part of the formula of the mutual oath of the *coniures*; they promised to help each other in any kind of danger of material or physical loss (*damnum sive mortem*), a promise which belongs to the sworn *lex* of the *convivium* as reported by the Sealandic Chronicle. The Duke's position in this mutual contract was the distribution of *bona*, like the ones the Duke had already conceded to the Schleswig citizens before his death in 1131 – as we know from Hel mold.⁶ Judging from the complete context, these *bona* cannot be understood as any kind of benefits granted at will but, rather, the privileges and improvements of the community's internal constitutional structure.

This obligation of mutual fidelity between the Duke and the citizenry was evidently transferred to

King Erik after Duke Knud's death in 1131. Schleswig was his main support in his struggles for the throne. The transfer of the act of fidelity must have been executed not later than the winter of 1131 when the king took refuge in Schleswig, as he had done many times that year. The formula *damnum sive mortem (in)ferre*, which most likely originated in Duke Knud's agreement with the citizenry, was also offered to King Erik in the winter of 1131 when he was in need of help. The Schleswigers were prepared *pro ei ferre mortem et exterminium*, as we know from the nearly contemporaneous Helmold. They killed King Niels *in gratiam* for King Erik, that is, in solidarity and as a result of the oath of fidelity they were united. The political motivation for murdering King Niels was because of the *gratia* of the town towards King Erik, the same thing as the fulfillment of the *lex* towards Duke Knud Lavard – the law according to the mutually granted *fides*. The contradiction is resolved if we assume that Erik himself played the part of *senior* and *defensor*, that the citizens of Schleswig newly entered *fides* and *iuramentum*, and transferred it to him. That does not mean, as previously believed from historical research, that the motive for the revenge can be found in the duties of a single group – the Guild. New investigations into Guild regulations⁷ have shown that blood revenge was not one of the tasks of Guild obligations. The true motivation for killing King Niels was a public feud with the Schleswigers, not a private one with an exclusive group of Guild brothers.

By studying the sources in this manner we find that King Erik's answer to the Schleswigers for having fulfilled the treaty was a *donum*. Like the *bona* of Duke Knud, the *dona* cannot be understood as any sort of material gift, e.g. a new weathercock on a

church tower, but as a corroboration of the *libertates* of the town's constitution – as we know from the preamble to the town law⁸; the same was done some years later by King Svend Grathe.

The most convincing proof of our new model is given in the Sealandic Chronicle itself with the information that the King was killed by the *burgenses*. Shoemakers and furriers are reported as also having been members of this group, and they were certainly not long-distance traders. Here they must be considered as representatives of the *cives*, the majority of average citizens with civil rights. *Burgenses* is one of the central terms in urban constitutional history. For instance, in the foundation document of Freiburg in Breisgau, c. 1120, the privileges extend to the *burgenses* as citizens of the entire community. From then on the term is used in municipal documents in this sense: in Cologne and Soest in 1142, in Goslar in 1167 and in Lübeck in 1188.⁹ As long as it should not be attributed to the contemporary language of the time when the source was written in 1250, it is an extremely early example of the use of this term for the whole of the townfolk. The point in question is to harmonize *Hezlagh* with *burgenses*. If they remain in contrast, one term excludes the other. We must remember that in the traditional view of town organization, which I do oppose, the term *Hezlagh* is the only and central proof for the Guild in the times of Knud Lavard and King Niels. On the contrary, the *burgenses* can easily be seen as members of the *Hezlagh* which, in turn, can easily be identified with the *convivium coniuratorum*, the 'Schwurverband' and 'Eidgenossenschaft' in paragraph 27 of the town charter. In this way the Schleswig *coniuratio* is put on quite a solid basis as a constituted civil community confirmed by oath.

In at least two other places, Erfurt¹⁰ and Lund¹¹, people had additional knowledge – surely first hand. For example, that the negotiations of the *cives* with the King were led by *primates*. Saxo Grammaticus even knew the name of the person in charge of the negotiations: Boyo, a Low German or Frisian who enjoyed the *summa auctoritas* in the town. *Auctoritas* is a quality of a ruler, and therefore we can assume that a person vested with *summa auctoritas* within a group of *primates* exercised a ruling function. In itself, however, Saxo's statement clarifies even more in that the *summa auctoritas* was legitimized by the entire community of the *oppidani*.

It is possible to recognize the leading committee of Firsts in the town as the four *seniores* mentioned in paragraph 32 of the town law who seemed to act as a board of citizens (bürgerliche Behörde), a kind of communal municipal authority. The ground in Schleswig was divided into four quarters, each apparently delegated to one member of the leading group. More clearly than in any other place we can recognize here that the area-covering principle of the entire community (Stadtgemeinde) and not the exclusive group of the Guild was decisive for the town's constitutional structures.

The model of quartering and the delegation of representatives from each quarter to a common leading group is known from many other towns. Perhaps the best known example is Bremen¹² where in the 12th century the leading group consisted of four times four people: four from each quarter. Significantly, they are called *coniurati*, a term that we can easily recognize in the *frater coniuratus* of the Schleswig town charter. In Schleswig *seniores* and *primates* signal the beginning of the development of a municipal meliority. A similar structure is also known

from, for instance, Lübeck (*nominatores*)¹³ and Hamburg.¹⁴ They acted as 'gesamstädtische' Amtspersonen as Jacobs¹⁵ called them when discussing the *meliores* and later the *divites* of the *Richerzeche* in Cologne, another well-known example.

A civil community of *cives/oppidani/burgenses* united by oath under the leadership of a staff of *primates/seniores*, one of them holding *summa auctoritas*, could renounce its king in an act of rebellion, support the anti-king, and carry on sovereign internal and external politics; this could include the murder of one king and the enthroning of another.

This is the new picture of Schleswig which I have wished to present, in an extremely and perhaps dangerously shortened account.¹⁶ Little has been said about the Guild as it does not fit into the political, administrative and legal context of the first half of the 12th century. Its position in urban constitutional life must be redefined. I am sure that the development towards the 13th-century council constitution, at least in Schleswig, depended on the organizational model presented here.

Notes

1. Hoffmann 1980, 1984, 1987, 1989; Schütt 1980, 1985.
2. Hoffmann 1984.
3. Hørby 1984, p. 45.
4. Vetus Chronica Sialandie, p. 33f.
5. Chronicon Roskildensis, p. 29f.
6. Helmold Chapter 51.
7. Müller-Boysen 1990, p. 69ff.
8. Kromann-Jørgensen 1951.
9. Ennen 1953, p. 309.
10. St. Petri Erphesfurtensis Continuatio Chronici Ekkehardi, p. 41.
11. Saxo Grammaticus XIII. 11.
12. Scheper 1975, p. 20ff.
13. Am Ende 1975, p. 29.

14. Hanf 1986, p. 61ff.
15. Jacobs 1985, p. 292; cf. Stehkämper 1991.
16. The version of the lecture has been little changed, with only the most necessary notes added. For a comprehensive and detailed account of this topic see Radtke 1995.

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