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CHAPTER 2

The place of native populations in the chartered towns of conquered regions:

Wales and Prussia as a comparative case study¹

[Figures *at end* for reference: Figure 1, Figure 2].

In this chapter we make explicit a new approach to the problem of native populations in the new colonial towns of previously unurbanised conquered regions at the ‘peripheries’ of medieval Europe.² We focus on later medieval Wales and Prussia, c.1231–1536, from their colonisation by ‘core’ English and German societies to their ultimate absorption by the neighbouring states of England and Poland. The first part of this chapter outlines the complex ethno-legal landscape within which new towns were formed, offering legal and economic privileges to all of those enfranchised with town law, regardless of ethnicity. It then considers the interests and experiences of the native individual seeking to integrate into, and to improve his or her position within, these new urban institutions; finally, it examines the often exclusionary contexts within which they did so, both of top-down discriminatory regulation by the territorial ruler and of bottom-up discriminatory responses by the urban colonial-settler

¹ The article is a result of research implemented thanks to the funds allocated upon HARMONIA grant agreement no. 2016/22/M/HS3/00157 by the National Science Centre, Poland.

² The terms ‘core’ and ‘periphery’ are here used in the sense pioneered by Robert Bartlett, as discussed in this volume’s introduction. See also, J. Hudson, ‘The making of Europe: a brief summary’, in J. Hudson and S. Crumplin (eds), *“The Making of Europe”*: *Essays in Honour of Robert Bartlett* (Leiden, Brill, 2016), pp. 5–10.

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community.³ A common sequence of periods of top-down and bottom-up discrimination broadly relating to pan-European social and economic trends is set out, and key mechanisms of integration, leading to assimilation, are identified.

Past research has tended to look at incomers and natives as ethnic groups, ignoring internal differences and focusing on the dichotomy between groups, typically presuming incomers to be disposed to urban life and the natives to be rural. A perceived innate potential for conflict between incomers and natives, sensitised to their roles as subjugator and subjugated peoples, has been assumed to have been embedded in corresponding conflicts of interest between urban dwellers, presumed to be incomers, and rural dwellers, presumed to be natives. Keith Lilly has argued of English colonization that ‘urban laws made the Welsh and Irish “outsiders” in their own lands’.⁴ Henryk Łowmiański, in a similar vein, wrote about the legally disadvantaged position of the native Prussian population of the Prussian territory of the State of the Teutonic Order.⁵ But what of the native person who chose to embrace town life?

This article surveys the roughly contemporaneous period of immigration to Wales from England and to the State of the Teutonic Order in Prussia from the Holy Roman Empire and elsewhere, roughly from 1231 to the beginning of the 16th century. In a Welsh context, this covers the second,⁶ English wave of conquest and the main period of town foundation that proceeded fitfully from the death of Llywelyn ap Iorwerth (alias, Llywelyn Fawr [the great]),

³ ‘To discriminate’ and ‘discriminatory’ in this chapter mean, objectively, ‘to recognize’ and ‘things recognizing’ a distinction between groups, not always or necessarily carrying the subjective sense of an unjust or prejudicial distinction.

⁴ K. Lilly, ‘Imagined geographies of the ‘Celtic fringe’ and the cultural construction of the ‘other’ in medieval Wales and Ireland’, in D. C. Harvey, R. Jones, N. McNroy and C. Milligan (eds), *Celtic Geographies: Old Cultures, New Times* (London, Routledge, 2002), p. 30.

⁵ H. Łowmiański, ‘Stan badań nad dziejami dawnych Prusów’, *Pruthenia*, 1 (2006), 147–70 at 147–8.

⁶ The first, Norman wave ran from 1067 until about 1150, with few new foundations thereafter until the reign of Henry III (r. 1216–72). I. Soulsby, *The Towns of Medieval Wales* (Chichester, Phillimore, 1983), pp. 7–12.

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the Prince of North Wales, in 1240, through Edward I's conquest of the native Welsh principality in 1282–3. It encompasses the 1400–15 nationwide Welsh revolt of Owain Glyndŵr and the 1536 'Act of Union' of England and Wales which established Anglo-Welsh equality in law.⁷ In Prussia, this period covers the Teutonic Order's entry into Kulmerland in 1231 and its initial conquests of the 1240s and 1250s, through the Great Prussian Uprising of 1260–74, and the final phase of new town creation in the mid-14th century. It encompasses the humiliating defeat of the Order by Polish–Lithuanian forces at the Battle of Tannenberg in 1410, followed by territorial concessions recognized in the 1411 First Peace of Thorn, the 1422 Treaty of Melno and the 1466 Second Peace of Thorn, and the incorporation of the western part of the State of the Teutonic Order, with the largest cities, by the Polish crown. Both Wales and Prussia experienced conquest and colonization, nationwide rebellion by native peoples and eventual political union with a neighbouring polity that served to diminish ethnic tensions.

During the first half of this roughly three-hundred-year period, there was intensive immigration to Wales and Prussia, and urbanization of subjugated and previously unurbanized peoples against a backdrop of relative political stability. Urbanization was most intensive in the decades either side of 1300, with immigration from comparatively densely populated England and Germanic areas driving town growth until it was curtailed by the depopulation of the Black Death of 1348–9. In Wales, this process was most intensive from 1277 to 1295 as the last areas subject to native rule were systematically conquered and urbanized, resulting, by c.1300, in about 105 mostly small towns, housing about 20 per cent of a population of about 300,000 including perhaps 75,000 English and 225,000 Welsh.⁸ In Prussia 96 towns were

⁷ Officially, in 1536: An Act for Laws and Justice to be Ministered in Wales in like Form as it is in this Realm.

⁸ Soulsby, *The Towns*, pp. 1–28; M. F. Stevens, *The Economy of Medieval Wales, 1067–1536* (Cardiff, University of Wales Press, 2019), pp. 38–43, 61–5.

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founded in the Middle Ages, including about 80 mostly small towns from the end of the 13th century to as late as the 1360s, as attempts were made even after the Black Death to urbanize newly acquired territories; these towns housed about 25 per cent of a population of about 465,000–495,000, including roughly 145,000 ethnic Prussians, 150,000–170,000 Slavs/Poles and 170,000–180,000 Germans.⁹ Despite these similarities, there were important differences between the two regions. Wales had area of about 20,700 km² and one town per every 200 km², as opposed to Prussia, with an area of 58,000 km² and one town per every 600–700 km²; only in relatively developed western and central Prussia was there a Welsh-equivalent urban density of one town per 200 km².¹⁰ In Wales, English immigrants and their descendants dominated larger urban communities, which were invariably nearest to the English border and on the coasts, while Welsh townspeople were more common in smaller and inland foundations.¹¹ Until the end of the 15th century, Germans made up the largest group of inhabitants in the large Prussian towns, where Prussian and Slavic residents made up only a few percent of the inhabitants. The proportion of Poles seems to have been larger in towns in Kulmerland and that of Prussians in small towns in the eastern part of the monastic state, mirroring the comparatively high rural concentrations Poles and Prussians in those areas, although urban sources do not allow a quantitative analysis.¹² However, while the differences between Wales and Prussia are noteworthy they are insufficient to outweigh the similarities between the two areas in terms of their shared experience of conquest and immigration-

⁹ K. Neitmann, 'Deutsche und "Undeutsche" im Preußenland: die Politik des Deutschen Ordens gegenüber den Prußen', in W. Schlau (ed.), *Tausend Jahre Nachbarschaft: Die Völker des baltischen Raumes und die Deutschen* (München, Bruckmann, 1995), pp. 50–1.

¹⁰ R. Czaja, 'Towns and urban space in the state of the Teutonic Order in Prussia', in R. Czaja and A. Radzimiński (eds), *The Teutonic Order in Prussia and Livonia: the Political and Ecclesiastical Structures, 13th–16th Century* (Toruń, TNT, 2015), pp. 79–88.; R. Czaja, 'An attempt to characterize the state of the Teutonic Knights in Prussia', in Czaja and Radzimiński (eds), *The Teutonic Order in Prussia and Livonia*, p. 16; M. Biskup, 'Entwicklung des Netzes der altpreuussischen Städte bis zur zweiten Hälfte des 17. Jahrhunderts', *APH*, 53 (1986) 5–27; The Welsh calculation is based on the area of post-1998 Wales, and smaller than medieval Wales and the borderland March.

¹¹ Stevens, *The Economy of Medieval Wales*, p. 64.

¹² M. Biskup, 'Etniczno-demograficzne przemiany Prus krzyżackich w rozwoju osadnictwa w średniowieczu (o tak zwanym nowym plemieniu Prusaków)', *Kwartalnik Historyczny*, 98:2 (1991), 45–67 at 54.

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fuelled urbanization by peoples of the expanding European ‘core’. Similarities are also manifest in the century and a half after the Black Death when significant depopulation led to curtailed immigration and changed economic realities.

Historiographies of native participation in towns, and sources.

Documents concerning participation in urban life in both Wales and Prussia usually provide us with only with the names of people who were members of the urban franchise, that is, the legally privileged trading community of the town as framed by a borough charter and ordinances. In Wales this legal framework was typically that of the Norman town of Breteuil, while in Prussia it was typically provided by German Lübeck law, Magdeburg law, or a close variant thereof.¹³ In Wales, town law was normally extended to all new tenants-in-chief of borough property as a function of purchasing that property, while in Prussia persons aspiring to hold immovable property within the town had to attain admission to the franchise as a precondition of ownership. This difference must be kept in mind when reviewing the urban historiography of each region, as greater emphasis has been placed on determining the number and significance of native householders in Wales – assumed to be members of the franchise – as opposed to determining who exactly was admitted to town law in Prussia. In the towns of each region, native persons and colonists not enjoying the franchise were regularly present as both resident and non-resident servants, labourers and patrons of the market, but insufficient evidence exists to assess the relative size of these groups in terms of ethnicity.

Historiography.

¹³ K. Lilley, *Urban Life in the Middle Ages, 1000–1450* (Houndmills, Palgrave, 2002), pp. 75–105.

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In the first half of the 20th century, research on the ethnic structure of Prussian towns was influenced by modern German-Polish political and national rivalry. As a result, research by German scholars focused primarily on the occurrence of Germanic first names and surnames and was intended to demonstrate the ‘Germanness’ of Prussian towns.¹⁴ In turn, Polish scholars, relying on the same sources, tried to prove the existence of a higher share of Slavic population among the towns' inhabitants. German historiography treated municipal citizenship (urban franchise) as a privilege for people of German origin¹⁵. The presumed prerequisite for admitting Prussians and Slavs to town law was the abandonment of their own ethnicity. The admission of the Prussians to the franchise of towns employing German law had, according to Theodor Penners, facilitated the ‘*ostpreußische Stammesbildung*’, that is, ‘the formation of the East Prussian tribe’ as early as the 14th century, on the basis of which a new German identity, of uniquely Germanic-Prussian character, was formed.¹⁶ Excluded from this process, according to this older German historiography, was the Polish population, whose access to municipal law was restricted by the territorial ruler and the municipal authorities for political and national reasons. Legal equality among the ethnically diverse urban population was not compatible with the idea of the dominant position of ‘*Deutschtum*’, or ‘Germanness’, in the State of the Teutonic Order.¹⁷

Since the end of the 1960s, German and Polish historiography has made a gradual retreat from such national perspectives in the study of ethnicity in medieval Prussia. Heide Wunder

¹⁴ E. Keyser, *Die Bevölkerung Danzigs und ihre Herkunft im 13. und 14. Jahrhundert* (Lübeck, Selbstverlag des Vereins, 1928), pp. 42–5; A. Semrau, ‘Die Herkunft der Elbinger Bevölkerung von der Gründung der Stadt bis 1353’, *MCV*, 32 (1924), 9–62; For a summary of the status of research from the interwar period see E. Keyser, ‘Die Herkunft der städtischen Bevölkerung des Preußenlandes im Mittelalter’, *Zeitschrift für Ostforschung*, 6 (1957), 539–57.

¹⁵ K. Górski, ‘Historia Polityczna Torunia do roku 1793’, in K. Tymieniecki (ed.), *Dzieje Torunia* (Toruń, Towarzystwo Miłośników Historii, 1934), pp. 9–13.

¹⁶ T. Penners, *Untersuchungen über die Herkunft der Stadtbewohner im Deutsch-Ordensland Preußen bis in die Zeit um 1400* (Leipzig, Verlag von S. Hirzel, 1942), p. 168; E. Maschke, ‘Preussen. Das Werden eines deutschen Stammesnamens’, *Ostdeutsche Wissenschaft*, 2 (1955), 116–56.

¹⁷ Penners, *Untersuchungen*, pp. 162–5.

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presented the social and legal context of the participation of the Prussian population as inhabitants of the town and villages of the commandery of Christburg.¹⁸ Reinhart Wenskus, in his study on the role of non-Germans (Germ. *Undeutsche*) in the settlement policy of the Teutonic Order, claimed that colonization under German law did not discriminate between the Polish and Prussian populations. He emphasized instead that the policy of the Teutonic Order differentiated between Prussian persons on the basis of social status: the sovereign did not restrict the right of the Prussian nobility and free Prussians to emigrate to towns whereas peasants subjected to the authority of the Teutonic Order and to bishops had limited opportunities to leave their villages.¹⁹ Guido Kisch, while trying to explain the presence of native populations in towns, distinguished a group of ‘*habitatores*’, or ‘inhabitants’, living alongside the burghers and characterized by an inferior legal status, which he supposed to include the non-Germans.²⁰ Hartmut Boockmann engaged with this topic, arguing that regulations concerning the exclusion of the non-German population from municipal law concerned guests and so do not prove that the Teutonic Order intended to discriminate legally between German inhabitants and those of Prussian and Slavic origin. Legislation restricting the local population's access to municipal law did not appear until the late-14th century. Boockmann emphasized that this legislation was not introduced for ethnic-national reasons but rather had economic causes, its purpose being to limit the migration of the rural population to towns.²¹ Boockmann's arguments did not convince all researchers, however, as

¹⁸ H. Wunder, *Siedlungs- und Bevölkerungsgeschichte der Komturei Christburg 13.-16. Jahrhunderts* (Wiesbaden, Otto Harrassowitz, 1968), pp. 77–88, 245–52.

¹⁹ R. Wenskus, ‘Der deutsche Orden und die nichtdeutsche Bevölkerung des Preußenlandes mit besonderer Berücksichtigung der Siedlung’, in W. Schlesinger (ed.), *Die deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte*, Vorträge und Forschungen, 18 (Sigmaringen, Jan Thorbecke Verlag, 1974), pp. 359–64.

²⁰ G. Kisch, ‘Studien zur rechtlichen und sozialen Gliederung der städtischen Bevölkerung im Deutschordenslande’, in G. Kisch, *Studien zur Rechts- und Sozialgeschichte des Deutschordenslandes* (Sigmaringen, Jan Thorbecke Verlag, 1973), pp. 51–2.

²¹ H. Boockmann, ‘Zur ethnischen Struktur der Bevölkerung deutscher Ostseestädte’, in: K. Friedland (ed.), *Der Ostseeraum – historische Elemente einer wirtschaftlichen Gemeinschaft*, (Lübeck, Industrie und Handelskammer, 1980), pp. 17–28.

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both Polish and German studies from the 1990s still expressed the view that the Prussian population, in the 13th and 14th centuries, had no right to settle in towns as burghers.²²

Research conducted since the 1980s has amended estimates of the ethnic composition of large Prussian cities, but has not resulted in a methodological breakthrough. More recent studies have emphasized the unreliability of the first- and last-name criterion for defining ethnicity. Hence it is possible only to point to basic demographic trends, such as the growing influx of Slavs into Thorn and Kulm and of Prussians and Lithuanians into Königsberg in the second half of the 15th century.²³ Other recent studies have questioned the integration of the non-German population. However, this problem has not been analyzed in depth. The early 20th-century view that resignation from one's own ethnic (national) identity was a necessary condition for the acceptance of a native person into German-speaking urban society incorrectly presumed a binary choice between identities rather than a variable process of integration. Acceptance of the Christian faith, the use of Christian or German names, and the use of the German language, among other things, were regarded as evidence of integration on the part of the native population, understood as fitting-in with the dominant culture.²⁴ A new methodological approach has now been set out by Alicja Dobrosielska, who argues against the view that the German Order limited participation by the Prussian population in the space of the newly built society and state.²⁵

²² P. Erlen, *Europäischer Landesausbau und mittelalterliche Deutsche Ostsiedlung. Ein struktureller Vergleich zwischen Südwestfrankreich, den Niederlanden und dem Ordensland Preussen* (Marburg, J.H. Herder-Institut, 1992), p. 172; A. Szorc, *Dominium Warmińskie 1243–1772* (Olsztyn, Wydawnictwo Pojezierze, 1990), p. 276.

²³ K. Mikulski, 'Struktura etniczna mieszkańców i status społeczny ludności pochodzenia polskiego w Toruniu od końca XIV do połowy XVII wieku', *Roczniki Historyczne*, 63 (1997), 11–130 at 119–21; T. Jasiński, *Przedmieścia średniowiecznego Torunia i Chełmna* (Poznań, UAM, 1982), pp. 70–7; D. Heckmann, 'Zuwanderung und Integrationsprobleme in Königsberg in Mittelalter und früher Neuzeit', in K. Militzer (ed.), *Probleme der Migration und Integration im Preussenland vom Mittelalter bis zum Anfang des 20. Jahrhunderts* (Marburg, N.G. Elwert Verlag, 2005), pp. 78–84.

²⁴ K. Militzer, 'Probleme der Migration und Integration sozialer Gruppen im Preußenland', in Militzer (ed.), *Probleme der Migration*, pp. 33–4; Erlen, *Europäischer Landesausbau*, p. 171.

²⁵ A. Dobrosielska, *Opór, oportunizm, współpraca. Prusowie wobec zakonu krzyżackiego w dobie podboju*, (Olsztyn, Towarzystwo Naukowe Pruthenia, 2017), p. 152–4.

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The earliest work on the urbanization of Wales was that undertaken by Mary Bateson, at the turn of the 20th century, to identify, assess and track the spread of the Law of Breteuil in England, Wales and Ireland, which privileged burgesses – typically English – over non-burgesses.²⁶ The first monograph to focus on the urban history of medieval Wales was written by Edward Artur Lewis, the father of pre-modern Welsh economic history. His classic 1912 study, *The Boroughs of Medieval Snowdonia*, examined the final round of 13th-century royal town plantation in post-conquest north Wales, and, while not ignoring the role of the Welsh, focused principally on the interactions of English urban colonists with the crown.²⁷ In the main, it would be over sixty years before the urban history of Wales would be reconsidered, with the appearance of a collection of town studies edited by Ralph Griffiths in 1978 and Ian Soulsby's pathbreaking gazetteer of medieval Welsh towns in 1983, both of which note levels of Welsh integration within urban society.²⁸ Between these modest waves of urban history, Glyn Roberts began to explore the contrasting currents of 'antipathy and sympathy' between medieval Welsh and English, but his work was to be overshadowed by Rees Davies's provocatively entitled articles of 1974 and 1975, 'Colonial Wales' and 'Race relations in post-conquest Wales'.²⁹ These advanced a contest-of-nations narrative of Anglo-Welsh relations which argued that 'all of them [the Welsh] were now potentially united by a common bond, that of being natives in a colonial society...[with] alien rule and settler privilege...to cultivate a heightened sense of their own nationhood.'³⁰ If such a hardened ethnic-group identity had been dominant, any movement of natives into new towns would be hard to explain. However,

²⁶ M. Bateson, 'The laws of Breteuil', *The English Historical Review*, 15 and 16 (1900–1), [vol. 15] 73–8, [vol. 15] 302–18, [vol. 15] 496–523, [vol. 15] 754–7, [vol. 16] 92–110, [vol. 16] 332–45.

²⁷ E. A. Lewis, *The Medieval Borough of Snowdonia: A Study of the Rise and Development of the Municipal Element in the Ancient Principality of North Wales Down to the Act of Union of 1536* (London, Henry Sotheran, 1912).

²⁸ R. A. Griffiths, *Boroughs of Medieval Wales* (Cardiff, University of Wales Press, 1978); Soulsby, *The Towns*.

²⁹ G. Roberts, 'Wales and England, Antipathy and Sympathy, 1282–1485', *Welsh History Review*, 1 (1963), 375–96; R. R. Davies, 'Colonial Wales', *Past & Present*, 65 (1974), 3–23; R. R. Davies, 'Race relations in post-conquest Wales: confrontation and compromise', *Transactions of the Honourable Society of Cymmrodorian* (1975), 32–56.

³⁰ Davies, 'Colonial Wales', p. 23.

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Davies later softened his stance, reflecting a wider historiographical shift away from narratives of medieval nation building, claiming that ‘national sentiment...could and did co-exist within a pattern of local loyalties and with a vocabulary of personal relationships’.³¹ In 2004, shortly before his death, he wrote even more conservatively that Wales ‘was a compassable country in the imagination of its literary and learned classes...but...it was *not* [Davies’ emphasis], nor was it regarded as, a political, governmental or jurisdictional unit’.³² This more flexible approach focusing on overlapping personal loyalties and relationships between native and incomer lies behind the most recent work on Anglo-Welsh towns. Thus Matthew Stevens’s *Urban Assimilation in Post-Conquest Wales: Ethnicity, Gender and Economy in Ruthin, 1282–1348*, focused on the economic impetus for inter-ethnic cooperation, and the tightly themed collection of essays edited by Helen Fulton, *Urban Culture in Medieval Wales*, examined aspects of the built and social environment, economy, identity and lived experience, emphasizing the Welsh perspective.³³ However, whilst this historiography provides much knowledge of the social and economic environment encountered by Welsh migrants to the often ostensibly ‘English’ towns of Wales, it offers little direct consideration of the ethnically discriminatory contexts of integration, as articulated in law, and of the mechanisms by which integration was achieved.³⁴

Sources.

³¹ R. R. Davies, ‘Law and national identity of thirteenth-century Wales’, in R. R. Davies, R. A. Griffiths, I. G. Jones and K. O. Morgan (eds), *Welsh Society and Nationhood: Historical Essays Presented to Glanmor Williams* (Cardiff, University of Wales Press, 1984), p. 51

³² R. R. Davies, ‘The identity of “Wales” in the thirteenth century’, in R. R. Davies and G. H. Jenkins (eds), *From Medieval to Modern Wales: Historical Essays in Honour of Kenneth O. Morgan and Ralph Griffiths* (Cardiff, University of Wales Press, 2004), p. 48.

³³ M. F. Stevens, *Urban Assimilation in Post-Conquest Wales: Ethnicity, Gender and Economy in Ruthin, 1282–1348* (Cardiff, University of Wales Press, 2010); H. Fulton (ed.), *Urban Culture in Medieval Wales* (Cardiff, University of Wales Press, 2012).

³⁴ See, T. Phipps and M. F. Stevens, ‘Towards a characterization of ‘race law’ in medieval Wales’, *The Journal of Legal History*, 41 (2020), 290–331.

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Substantial bodies of source material exist to allow us to assess the parallel movement of native migrants into the new towns of Wales and Prussia and their admission to the urban franchise. The principal sources fall into five broad categories. First, there are the town charters, which either founded a town *de novo* or gave recognition to an already-present trading community, which exist for the majority of the 96 Prussian and 105 Welsh towns, although they are often only preserved in later reissues. Numerous later Welsh and Prussian charters also include ethnic-specific restrictions, and, where these are reissues, tend to include witness lists indicative of the ethnic composition of the urban elite. Second, there are grants of further, specific legal privileges to communities or individuals that survive in substantial numbers, often, in a Welsh context, in response to petitions to the crown.³⁵ Third, there are lists of property-owning burgesses, tax payers and entrants into the urban franchise that also exist in large numbers; for example, for Wales, we have 42 town tenant- and taxpayer-lists, naming 2,290 burgesses, from the period 1292–1326.³⁶ For Prussia, lists of taxpayers and property owners have survived mainly for a number of larger cities, such as Thorn, Kulm, Danzig and Königsberg, but sources of this type for small Prussian towns are rare.³⁷

The fourth category comprises normative sources, regulating the behaviour and interaction of people within and relating to the urban space, important for the study of ethnic structure.

Town books survive from a few Welsh towns, such as Caernarfon, detailing civic ordinances

³⁵ *Petitions*.

³⁶ M. F. Stevens, 'Anglo-Welsh towns of the early fourteenth century: a survey of urban origins, property-holding and ethnicity', in Fulton (ed.), *Urban Culture*, pp. 138, 155–8 (Appendix of sources).

³⁷ For an overview of the source base and source editions see: J. Tandecki, 'Źródła do dziejów miast pomorskich do końca XVIII wieku', in M. Biskup (ed.) *Stan badań i potrzeby edycji źródłowych dla historii Pomorza i innych krajów południowej strefy bałtyckiej*, (Toruń, TNT, 1995), pp. 51–67; P. Oliński, 'Quelleneditionen zur mittelalterlichen Geschichte Danzigs', in M. Thumser and J. Tandecki (eds), *Quellenvielfalt und editorische Methoden*, (Toruń, TNT, 2003), pp. 153–68; B. Jähnig, 'Zur Edition der Kulmer Stadtbücher', in M. Thumser and J. Tandecki (eds), *Methodik – Amtsbücher, digitale Edition – Projekte*, (Toruń, TNT, 2008), pp. 55–64; K. Kosiński, 'Eine Datenbank zu den Stadtbüchern von Thorn und Danzig', in Thumser, Tandecki (eds), *Methodik*, pp. 65–72.

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and other muniments.³⁸ For Prussia, there are country statutes, legislated jointly by the territorial authority and town representatives, as well as ordinances (*willkiir*) and guild statutes, established in towns. Fifth and finally, urban court records survive from both Wales and Prussia. For Wales, these comprise very brief summaries of many thousands of cases, but they have survived for only a small number of towns, including Caernarfon, Merionethshire, and Ruthin, Denbighshire. Typically, they record day-to-day enforcement of civic ordinances, property transactions and petty interpersonal litigation regarding debts and trespasses.³⁹ Court records survive well from the large Prussian cities and also for a few small towns. These mainly contain information regarding property transactions, financial transactions, family matters and judgments in criminal cases.

Three periods of native integration.

The dominant cultural pattern was a trend of native movement into towns, of integration and of eventual admission to town law. This pathway to urban prosperity, leading at its most extreme from the rural dwelling of the unfree native – not all natives being unfree of course – to the townhouse of the burgess or burgher enjoying town law, was not a straightforward one, and how onerous it was varied across time and space. A sequence of three broad periods of native integration defined by prevailing socioeconomic conditions may be identified, with overlapping chronological boundaries that differed between Wales and Prussia, and from town to town.

Initial native participation.

³⁸ H. Ellis (ed.), *Registrum Vulgariter Nuncupatum: The Record of Caernarvon* (London, Eyre and Spottiswoode, 1838).

³⁹ C. Jones and H. Owen (eds.), *Caernarvon Court Rolls, 1361–1402* (Caernarvon, Gwenlyn Evans, 1951); R. R. Davies and L. B. Smith (eds), *The Dyffryn Clwyd Court Roll Database, 1294– 422* (Aberystwyth, University of Wales, Aberystwyth, 1995), machine readable database, UK Data Service < <http://doi.org/10.5255/UKDA-SN-3679-1> >, accessed 18-01-2019.

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The first period, lasting until about the end of the 13th century, was one in which the territorial lord's main concern was simply to create a viable town, and the incoming settler population was not sensitised to the prospect, positive or negative, of native townspersons. The charters of Prussian towns founded by the Teutonic Order in the first phase of the conquest of the country – for example, those for Thorn and Kulm (1232), Elbing (1246) and the New Town of Thorn (1264) – and then in the very late 13th and early 14th centuries – for example, Rehden (1285), Graudenz (1291) and Lessen (1298 and 1306) – did not restrict the native population's access to town law.⁴⁰ Similarly, the first foundation charters issued by the bishop of Ermland – namely, Braunsberg (1284) and Frauenburg (1287) – simply offered privileges to townsmen (*cives*).⁴¹ Likewise, in Wales, early charters did not include ethnic restrictions on burgage tenure – which gave access to town law – although they indicate an awareness of ethnic groups and might assume townsmen to be non-native. The first Swansea charter, issued between 1158 and 1184, was addressed 'to all barons, burgesses and men, English and Welsh...greeting'.⁴² It then ignored the Welsh in the further preamble to the grant of urban liberties, 'Be it known to you all, both English and French [etc.]'. But equally, it declared in neutral fashion, 'to every burgess a burgage with all its appurtenances, to wit, their asserts'. That is to say, at least initially, whomever should assart land to construct a burgage ought to be a burgess. The main concern of the territorial ruler in Wales was to foster the growth of his new town(s), with the law of Breteuil, first given to the Anglo-Welsh cathedral city of Hereford before 1071, being particularly helpful in this respect as it allowed unfree peasants who held land within the town for a year and a day to become freemen of the borough. This urban privilege, repeated in dozens of later borough charters, had the power to

⁴⁰ *PUB* 1/1, No. 181; *PUB* 1/2, No. 457, 581, 860; K. Ciesielska, *Przywileje Lokacyjne Torunia* (Toruń, TNOiK, 2008), pp. 25–40.

⁴¹ *CDW* I, No. 56, 154,

⁴² W. H. Jones, *History of Swansea and the Lordship of Gower from the Earliest Times to the Fourteenth Century* (Carmarthen, Spurrell & Son, 1920), p. 154.

Pre-publication draft. Do not cite.

dissolve one's prior legal condition – presumably one's native ethno-legal condition as well as unfree condition – unless forestalled by an outright prohibition against dwelling in the borough, like that included in the 1296 charter of Beaumaris which prohibited Jews from dwelling there.⁴³

In Wales, this early phase of urbanization resulted in substantially mixed communities, especially in more remote geographical positions less favourable to immigration, or where privileges were granted to a pre-existing settlement. Tenant or taxpayer lists from the period 1292–1326 survive from 42 Welsh towns. In 24 (57 per cent) of these at least a quarter of those listed had ethnically Welsh names.⁴⁴ Eighteen of these 42 towns were smaller undefended settlements where urban privileges were granted to a pre-conquest crossroads or point of exchange, in 12 of which the majority of tenants or taxpayers had Welsh names.⁴⁵ No similar lists survive from early Prussian towns, but some 13th- and 14th-century witness lists to grants of privileges, and entries in town books, suggest similar early Prussian and Polish participation in town life and even within town leadership. Anecdotal evidence confirms that people with the nicknames *Polonus* or *Prutenus*, that is, 'Polish' or 'Prussian', were members of the councils of large and small Prussian towns at the end of the 13th century and in the first half of the 14th century.⁴⁶ *Henricus Prutenus* is mentioned in 1286 as a councillor of Königsberg. *Johannes Pruse (Prutenus)* was a member of the council of the Old Town of Elbing in 1339 and of the Council of the New Town of Elbing in 1343–4.⁴⁷ *Conradus Polonus*

⁴³ Evidence of a Jewish presence in Wales is slender and limited to the southeast before the expulsion of all Jews from England in 1290, and nonexistent thereafter. D. Stephenson, 'Jewish presence in, and absence from, Wales in the twelfth and thirteenth centuries', *Jewish Historical Studies*, 43 (2011), 7–20; R. Johnson, *The Ancient Customs of the City of Hereford*, 2nd edn (London, T. Richards, 1882), p. 49; G. Usher, 'The foundation of an Edwardian borough, the Beaumaris charter 1296', *Transactions of the Anglesey Archaeological Society* (1967), 1–16 at 5.

⁴⁴ Stevens, 'Anglo-Welsh towns', p. 141.

⁴⁵ Stevens, 'Anglo-Welsh towns', p. 141.

⁴⁶ Dobrosielska, *Opór, oportunizm*, p. 153.

⁴⁷ *PUB* 1/2, No. 483, 484; Penners, *Untersuchungen*, 86, 96, 122; Pollakówna, 'Zanik', p. 189;

Pre-publication draft. Do not cite.

sat on the council of the New Town of Thorn in 1328. A burgher with the Polish name Swetczko is mentioned in the first half of the 14th century as a councillor of Strasburg.⁴⁸ Sources from 1295 and 1330 confirm several people of Prussian origin among the residents of Elbing. It should be emphasized, however, that the terms Prutenus and Polonus may also refer to an individual's place of origin and therefore do not always indicate ethnicity. Nevertheless, there is no doubt that burghers of Slavic and Prussian origin were members of the 1314 ruling group of Christburg: 'citizens of our city, namely' (*nostrae civitatis concives videlicet*) ... 'Primislaus, Stumo filius Grasute regis, Gedike filius Terpin'.⁴⁹ When seeking to understand the seemingly modest size of the Prussian population in cities, it is worth considering the view expressed by Alicja Dobrosielska, that the urban space may have been unattractive to the Prussian nobility and Prussian free landowners.⁵⁰ However, there is no doubt that, in both Wales and Prussia, an initial cohort of native people participated in urban life from its inception.

Top-down discrimination.

The second period for natives seeking to enter into town life, overlapping with both a preceding period of initial native participation and a succeeding period of bottom-up discrimination driven by colonial townsmen, was one of relative economic prosperity for the new towns but within which there emerged a sensitivity to ethnicity as a basis of social differentiation and discrimination. The result was a top-down attempt by some territorial rulers to limit the entry of native persons into urban life and town law. As a starting point for this ethnic differentiation in Wales, one might take the 13th-century popularisation of the late-

⁴⁸ R. Czaja, *Urzednicy miasta Torunia w sredniowieczu – Spisy*, (Toruń, TNT, 1999), p. 149; R. Czaja, 'Dzieje miasta w sredniowieczu (XIII wiek – 1466 rok)', in J. Dygdała (ed.), *Brodnica – Siedem wieków miasta* (Toruń, TNT, 1998), p. 91.

⁴⁹ Wunder, *Siedlungs- und Bevölkerungsgeschichte*, p. 62.

⁵⁰ Dobrosielska, *Opór, oportunizm*, p. 153.

12th-century ethnographic writings of Gerald of Wales on the inferiority of the Irish, and his more balanced yet critical work on the Welsh.⁵¹ This popularisation was paralleled by conscious attempts of the last rulers of native-controlled parts of Wales to employ notions of ethnically specific Welsh law and custom to establish the nascent concept of Wales as a nation, in an ethno-national contest-of-nations with England.⁵² The English adoption of this same ethnically charged viewpoint is evident in the contrast between Edward I's call to his barons before the Anglo-Welsh war of 1277 to aid in a punitive expedition against a 'rebel and disturber of the peace', and his letter to the sheriffs of England immediately preceding the Anglo-Welsh war of 1282–3 that 'he has now commenced of putting down the malice of the Welsh...for the common good', subsequently writing to his earls and barons in 1283 of the 'evil proceedings' of the then late prince and 'men of his own race'.⁵³ In the wake of Edward's two campaigns, of 1277 and 1282–3, he granted charters to more than a dozen prospective boroughs in north Wales, most adjoining a new castle and surrounded by an integral wall. At this stage, de-escalation of ethnic animus remained possible, for though these boroughs' charters generally banned Jews from dwelling within, they did not ban Welsh residence or property ownership. However, widespread Welsh rebellion, in which the castle-borough of Caernarfon was taken by treachery, necessitated a third royal invasion of Wales in 1294–5.⁵⁴ After its suppression, Edward founded his final walled town, Beaumaris, and issued an ordinance restricting Welsh access to urban life: 'No Welshmen are to acquire lands or tenements in the English walled towns and boroughs neither within the liberties of the English boroughs and towns nor outside. No Welshmen are to stay or hold burgages in the walled

⁵¹ Namely Gerald's *Topographia Hibernica* (c.1187), *Expugnatio Hibernica* (c.1189), *Itinerarium Cambriae* (c.1191) and *Descriptio Cambriae* (c.1194); R. Bartlett, *Gerald of Wales: A Voice of the Middle Ages* (Stroud, 2006), pp. 130–71.

⁵² Davies, 'Law and national identity', pp. 51–69.

⁵³ I. Rowlands, 'The Edwardian conquest and its military consolidation', in T. Herbert and G. E. Jones (eds), *Edward I and Wales* (Cardiff, University of Wales Press, 1988), pp. 56 (B.2), 61 (B.17).

⁵⁴ A. Carr, 'Madog ap Llywelyn: the revolt of 1294–5 in Caernarfonshire', *Transactions of the Caernarvonshire Historical Society*, 58 (1977), pp. 35–46.

Pre-publication draft. Do not cite.

towns.’⁵⁵ Accompanying ordinances barred Welshmen from bearing arms within or without towns or churches, on pain of confiscation and a one-year imprisonment, and banned Welshmen from congregating without royal license.⁵⁶

On the one hand, the Welsh, as a ‘race’, were now all potentially the enemy, which meant that royal officials in Wales were not to be Welsh.⁵⁷ The earliest known borough charter to specify ‘English’ burgesses, confirming liberties to new townsmen and their ‘English assigns’, was the earl of Lincoln’s seignorial charter for Denbigh, in the lordship and later county of the same name, which was issued between 1283 and 1290.⁵⁸ In similar fashion, the 1324 charter of the *unwalled* market community of Bala, Merionethshire, was the first royal charter to refer expressly to ‘English burgesses’.⁵⁹

Yet, despite inconsistent top-down discrimination, bottom-up integration and assimilation continued to be the dominant cultural pattern in Wales, not least of all because it was unclear whether ‘English’ meant ethnically English or simply holding by English tenure. Edward I, in order to construct his last walled town of Beaumaris in 1295, first dispersed the order trading community of Llanfaes, the only substantial native-organized trading community in pre-conquest Wales. The men of Llanfaes, with ethnically Welsh names although probably the descendants of early English-immigrant traders, petitioned the king complaining that they were ‘English in blood and nationality, as also their ancestors from ancient times’ and so had been ‘oppressed by the Welsh’ and yet, ‘because, to tell the simple truth, they reside in Wales among the Welsh’, they are ‘reputed Welsh by the English...[and so]...experience what is

⁵⁵ Ellis (ed.), *Registrum Vulgariter*, pp. 131–2.

⁵⁶ Ellis (ed.), *Registrum Vulgariter*, pp. 131–2.

⁵⁷ *Petitions*, pp. 173–5.

⁵⁸ J. Williams, *Ancient and Modern Denbigh: A Descriptive History of the Castle, Borough, and Liberties* (Denbigh, 1856), p. 305.

⁵⁹ Ellis (ed.), *Registrum Vulgariter*, pp. 172–6.

Pre-publication draft. Do not cite.

worst in either condition'.⁶⁰ Some of these men, such as Dafydd ap Einion, acquired property in Beaumaris – theoretically an English-only walled town following the 1295 ordinance – where he was the best endowed burgess in 1305.⁶¹ Others, at the request of the king, moved 15 miles to the far coast of Anglesey and founded the unwalled town of Newborough, which was granted a royal charter in 1303. Anxiety regarding the security of their status as Welsh townsmen caused the Newborough burgesses, in 1324, to petition king Edward II saying that 'they are Welsh' and wish to confirm that, by his charter, they be allowed to continue in their lives 'without impediment or hindrance of the [the king's] justice or other ministers'.⁶² Their charter was confirmed that same year, to the men of Newborough (*confirmasse hominibus villae nostrae de Neuburgh*'), without mention of ethnicity.⁶³ By 1345 the town was sufficiently prosperous to seek the right to elect a mayor, which Edward III granted, 'provided that the mayor so elected be an Englishman'.⁶⁴ But this was the tail end of top-down restrictions in Wales. As early as 1308–9 Edward II had answered a petition from his own chamberlain of north Wales complaining that the ordinances were not being followed and that Welshmen were regularly being appointed to offices, with the vague response that officers 'shall not be Welsh whilst they can find enough others who are English to fill those offices'.⁶⁵

The nationwide rebellion of Owain Glyndŵr in 1400–15 would see all previous restrictions renewed and even added to.⁶⁶ In particular, the 1295 ordinance was renewed and slightly expanded in 1401–2, now enacting that Welshmen ought not to bear 'defensible armour to merchant towns', as well as prohibiting weapons.⁶⁷ But the penal legislation made during the

⁶⁰ *Petitions*, pp. 82–3.

⁶¹ Carr, *Medieval Anglesey*, p. 192.

⁶² *Petitions*, pp. 254.

⁶³ Lewis, *The Medieval Boroughs*, p. 283 (confirmation published in full).

⁶⁴ M. C. B. Dawes (ed.), *Register of Edward the Black Prince, Part I, A.D. 1346–8* (London, H. M. Stationary Office, 1930), p. 155.

⁶⁵ *Petitions*, pp. 173–5.

⁶⁶ *Statutes Wales*, pp. 31–8.

⁶⁷ *Statutes Wales*, p. 35.

Pre-publication draft. Do not cite.

Glyndŵr rebellion was a blunt instrument harkening back to an earlier era, inconsistent with a pattern of growing royal indifference and new bottom-up patterns of integration and discrimination. Broadly speaking, Glyndŵr's rebellion marked the end of the period of sharpening ethnic awareness in Wales, and the 1401–2 legislation, largely ignored, would not be the basis of discrimination in the third period of native integration into towns. It was during the century and more before Glyndŵr that mixed communities had formed, and within which complex hierarchies of ethno-legal identities had emerged, for example burgess (in some places including ethnic Welshmen) enjoying certain legal advantages over non-burgesses, such as the right to be essoined (i.e. excused) three times without penalty for failing to appear at court to offer a defence in answer to a lawsuit; non-enfranchised Englishmen enjoyed similar advantages over (non-enfranchised) Welshmen.⁶⁸ Hence in Ruthin, in 1349, burgess and likely Welshman Ieuan ap Dafydd could confidently assert his superior rights under borough law when litigating against unenfranchised Welsh and English alike.⁶⁹ By 1401–2, it was too late to unpick these nuanced local ethno-legal systems with generalised, top-down discriminatory measures.

In Prussia, unlike Wales, no evidence survives to indicate that post-conquest rebellion, namely, the Great Prussian Uprising of 1260–74, resulted in the prohibition of native persons from urban residence or property ownership. In fact, no sources have survived to indicate that the Teutonic Order sought to limit access to municipal law by the Prussian and Slavic populations until the beginning of the 15th century. A fragment of the charter for Christburg from 1288, in which it is written that only 'Prussians not remaining in the said city' (*Pruteni in prefata civitate non manentes*) were subject to the jurisdiction of the territorial ruler, as

⁶⁸ Phipps and Stevens, 'Towards a characterization', 309–11.

⁶⁹ TNA, SC 2/220/9, m. 31.

Pre-publication draft. Do not cite.

opposed to town authorities, may be an argument in favour of the view that some Prussians had municipal citizenship.⁷⁰

However, town overlords, both the Teutonic Order and the Prussian bishops, very often retained for themselves criminal jurisdiction over incidents occurring on roads and, of interest to us, jurisdiction over Prussians and Slavic peoples, except when impleaded by a burgher. One source used in research on the legal position of native peoples in Prussian towns is the so-called ‘Prussian paragraph’ in the provisions of towns’ location privileges – or ‘charters of liberties’ in the parlance of British historiography – which limited the scope of jurisdiction of municipal courts. As Harmut Boockmann pointed out, the Prussian paragraph most often did not apply to citizens, but rather to guests of a town – i.e. temporary visitors not enjoying the franchise – and therefore is of limited value for the study of the ethnic structure of the urban population.⁷¹ However, it may have shaped how native persons perceived and interacted with urban settlements.

Limits placed on municipal jurisdiction concerning guests in urban privileges are characterized by great diversity, resulting from specific regional contexts and the date of a given document’s issuance. Of the 70 towns founded by the Teutonic Order up to the beginning of the 15th century in Kulmerland, Prussia and Pomerelia, charters for 62 towns have survived of which 34 contain a ‘Prussian paragraph’ concerning jurisdiction over non-Germans. From among 18 location privileges for Pomerelian towns, regulations concerning jurisdiction over Prussians and Slavs were included in only six documents (33 per cent). The Prussian paragraph thus appears most frequently in privileges granted to towns in Prussia

⁷⁰ Wunder, *Siedlungs- und Bevölkerungsgeschichte*, p. 62; Kisch, ‘Die Rechtsstellung der Stammpreussen’, p. 49, argues, the record in the charter does not give rise to a claim about the status of the Prussians as burghers.

⁷¹ Boockmann, ‘Zur ethnischen Struktur’, p. 22

Pre-publication draft. Do not cite.

itself; the Teutonic Order founded 40 cities in Prussia, and regulations concerning jurisdiction over the Prussian and Slavic population can be found in the privileges of 30 towns (75 per cent). Paragraphs concerning jurisdiction over the native population were also included in the location privileges of 6 out of 12 towns subordinate to the authority of the bishop and the chapter of Ermland (50 per cent).

The ethnic criterion appears for the first time in the privileges granted in 1286 to the cities of Marienburg and Königsberg. In both towns, Prussians and Slavs who lived on estates belonging to the Teutonic Order were excluded from the municipal jurisdiction, and so could not sue in the towns' courts (burghers could only be called to answer lawsuits laid by natives in court of the local commander of the Teutonic Order).⁷² However, Prussians and Slavs were themselves obliged to answer lawsuits brought against them in town courts by burghers. Similar rules were included in the privileges of Preußisch Holland (1297) and Liebstadt (1323).⁷³

Two weeks after the issuance of the Königsberg charter, the judge and councilors of Königsberg made a settlement with the lord of the town according to which all offences committed there by Prussians and Samlanders (*Prutheni et Sambite* [a local tribe]) were to be judged by officials of the Teutonic Order. These regulations, agreed in 1286, were also applied to the two new towns subsequently founded near Königsberg, namely, Löbenicht (1299/1300) and Kneiphof (1327).⁷⁴ However, the principle that the ruler of the country ought to assume all jurisdiction over the native population in the towns did not become widespread in Prussia. Apart from the towns of Königsberg, Löbenicht and Kneiphof, it was only

⁷² *PUB* 1/2, no. 348, 483, 484.

⁷³ *PUB* 1/2, no. 680; GSA PK, XX. HA, Ostpreußische Folianten. 382/3.

⁷⁴ *PUB* 1/2, no. 484, 707; *PUB* 2, no. 44; G. A. Scheiba, *Geschichte der Stadt Fischhausen*, (Fischhausen, G. Wilutzki, 1905), p. 116.

Pre-publication draft. Do not cite.

included in the charters of two small towns on the eastern fringes of the state – namely, Friedland 1335 and Wehlau 1336 – and in the charter of the New Town of Elbing (1347). However, as its justification, it was described as ancient custom.⁷⁵ The right of officials of the Teutonic Order to have jurisdiction over the Slavic and Prussian populations was also enshrined in the charters of three Pomerelian towns of Mewe (1297), Stargard (1348) and Hammerstein (1395).⁷⁶

Most often, however, the paragraph concerning jurisdiction over native persons was specified as applying only to people staying in the town as guests.⁷⁷ Of key importance for the interpretation of provisions regarding jurisdiction over the native population is the common restriction of the Teutonic Order's jurisdiction only to 'our Prussians' (*Prutenos nostros*), that is, the population subject to its authority (*Grundherrschaft*). This provision appears both in the above-mentioned oldest charters containing the Prussian paragraph, those for Marienburg and Königsberg, as well as in several other charters issued from the 1330s to the early 15th century.⁷⁸ In some location privileges, the clause excluding Prussians and Slavs who were subject to the authority of the Teutonic Order from municipal jurisdiction is followed by a statement that, notwithstanding, municipal jurisdiction *did* encompass native persons subject to the authority of other feudal lords, including the Prussian nobility.⁷⁹ The clause in the

⁷⁵ CDP II, p. 211 (*Nam ad fratres ordinis pertinebat ab antiquo*); CDW II (New Town of Elbing), p. 92 (*wen wir sye von aldir gerichtit habin*).

⁷⁶ PomUB, no. 597; PUB IV, no. 335; P. Panske (ed.), *Handfesten der Komturei Schlochau* (Danzig, A. W. Kafemann, 1913), no. 152, Mewe (1297), Stargard (1348), Hammerstein (1395).

⁷⁷ PUB 1/2, no. 525; PomUB, no. 597; CDW II, no. 166; CDP IV, no. 123; C. A. Funk, *Geschichte der Stadt Domnau mit Berücksichtigung ihrer Umgegend*, (Königsberg, 1900), p. 36; H. Bonk, *Geschichte der Stadt Drengfurt*, (Rastenburg, Eduard Ahl, 1905), p. 98.

⁷⁸ Scheiba, *Geschichte*, p. 116; PUB III, no. 7; CDW I, no. 300; CDP 3, no. 69; J. Gregorovius, *Die Ordenstadt Neidenburg in Ostpreussen*, (Marienwerder, Kommisionsverlag, 1883), p. 238; G. Michels, *Zur Wirtschaftsentwicklung von Passenheim im Ordensland und Herzogtum Preussen bis 1619*, (Lüneburg, Verlag Nordostdeutsches Kulturwerk, 1988), p. 96.

⁷⁹ PUB II, no. 752, pp. 499; 752, 871 (*Pruteni sub regibus Prutenicalibus residentes et alii Pruteni*); PUB V, 593, 647; G. Białuński, 'Uwagi o przywileju lokacyjnym miasta Mrągowo z 1444 roku', *Mrągowskie Studia Humanistyczne*, 6–7 (2006), 28–33 at 31; A. Wormit, *Geschichte der Gemeinde Allenburg*, (Königsberg, Emil Rautenberg, 1905), p. 243.

Pre-publication draft. Do not cite.

Landsberg privilege of 1335, which obviated the jurisdiction of the municipal judge ‘over all newcomers, as much Germans as Prussians’ (*super omnes advenas tam Theutones quam Prutenos*), aptly shows that the intention of the Teutonic Order was to limit the judicial competence of the towns⁸⁰; their purpose was neither to limit the influx of native people into towns nor to exclude Prussians and Slavs from access to town law. Thus, it was not a desire to enforce the ethnic criterion but rather the defence of the lord's rights that was the main motive for the introduction of the so-called Prussian paragraph into the charters of Prussian towns. The primacy of this motivation is very clearly visible in the charters of several towns in Pomerelia – namely, Main City of Danzig (1343), Putzig (1348), New City of Gdańsk (1380) – in which the paragraph that excludes subjects and fiefs of the Teutonic Order from municipal jurisdiction does not contain any reference to ethnic status. Further, the 1341 charter of Lauenburg affirms the equal legal status of Poles and Germans leasing property from the Teutonic Order.⁸¹

The charters granted to Ermland towns by the Bishops of Ermland, just like those of towns located in areas subject to the Teutonic Order, did not place any limits on municipal jurisdiction arising from the ethnic status of residents or visitors. However, municipal jurisdiction did not encompass native Prussians living on the estates of the bishop and chapter. The purpose of the Prussian paragraph was for the territorial ruler to retain control over the native population living on his estates. A characteristic feature of the Ermland charters is their equal treatment of Prussian and German populations when visiting the town. The charter of Heilsberg from 1308 states that both Germans and Prussians (*tam de Teutonicis quam Prutenis*) were to be subject to the jurisdiction of the town judge.⁸² Only the crimes of visitors

⁸⁰ *PUB* II, no. 871, p. 588.

⁸¹ *PUB* III, no. 349, p. 244; P. Simson, *Geschichte der Stadt Danzig*. Bd. 4, *Urkunden bis 1626*, (Danzig, Kafemann, 1918), no. 97, 101.

⁸² *CDW* I, p. 247

Pre-publication draft. Do not cite.

to the town were excluded from the competence of the municipal court; these were to be tried by the judge (*advocatus*) of the chapter. On the basis of charters issued for Guttstadt (1329), Rössel (1337), Allenstein (1353) and Wormditt (1359), it may be confidently asserted that this limit placed on municipal judicial competence applied only to urban ‘guests and newcomers, German or Prussian’ (*ac etiam aliorum putta forensium et advenarum sive Tewtunici aut Prutheni*).⁸³ In this context, the 1338 privilege of the town of Seeburg stands out, as it mentions only Prussians temporarily residing in the city, but the omission of German guests was probably due to the dominance of the Prussian population in the surrounding villages.⁸⁴

Top-down discrimination in Wales thus differed from that in Prussia. In Wales, it was explicit, initiated in response to political and military events, and could convey anti-Welsh animus. Unevenly applied discrimination against Welsh townsmen was orientated towards the maintenance of English-government political and economic control, especially of the towns. In Prussia, ethnic discrimination was implicit and there is no evidence that it stemmed from military events or conveyed anti-Prussian or anti-Slavic animus. Discriminating between native Prussians and Slavs, and Germans – especially townsmen –, was an expedient employed by the Teutonic Order and bishops to defend their seignorial rights over a rural native population against judicial encroachment by municipal authorities. Yet, like discrimination in Wales, this would have promoted a sense that the native population ‘belonged’ both to the seignior and in the countryside, as opposed to town.

Bottom-up discrimination.

The third, overlapping period during which native persons laboured to integrate and assimilate into urban communities is personified by bottom-up resistance from the dominant, colonial

⁸³ CDW I, no. 245, 285; CDW II, no. 202, 288.

⁸⁴ CDW I, no. 291; Szorc, *Dominium Warmińskie*, p. 267

Pre-publication draft. Do not cite.

group within the towns. The main cause of this bottom-up resistance was economic competition which made English or Germanic burgesses and burghers feel threatened by a growing native urban population exercising what sociologists call ‘usurpatory closure’ to, in Frank Parkin’s words, ‘bite into the privileges of legally defined superiors’.⁸⁵ Despite a period of top-down discrimination, the reality of native persons as townsmen was eventually to become a commonplace. This prompted the dominant group to exercise the ‘exclusionary closure’ of native-disabling discrimination to shore up their position. Where ambitious territorial lords founded more towns than were viable in a particular area, moves towards exclusionary closure began very quickly, as in economically under-developed north Wales.⁸⁶ But in most parts of Wales and Prussia, especially where native persons had comprised a substantial part of new urban communities *ab initio*, bottom-up resistance to native participation was precipitated by the crises of the Black Death of 1348–9 and the so-called pan-European economic depression of the early and mid-15th century.

The first signs of this third period of discrimination are seen in north Wales, where the burgesses of Flint, Flintshire, petitioned the crown in 1297, complaining that ‘Welsh villeins have bought land in the town and bake and brew, contrary to their charter and custom’.⁸⁷ In fact, Flint’s 1284 charter – granted in identical terms to those of Conwy, Caernarfon and Rhuddlan – contains a clause explicitly stating that villeins who reside for a year and a day ought to be free townsmen, and it did *not* require that burgesses be English, in contrast to the charter for ‘English burgesses’ of Denbigh (1283–90), or the later charter of Bala (1324).⁸⁸

⁸⁵ F. Parkin, *Marxism and Class Theory: A Bourgeois Critique* (London, Tavistock, 1979), p. 46; For its application in a medieval context see, S. H. Rigby, *English Society in the Later Middle Ages: Class, Status and Gender* (Houndmills, Macmillan, 1995), pp. 9–11.

⁸⁶ Griffiths referred to the failure of many Welsh towns by mid-fifteenth century as a ‘winnowing’ of urban life in Wales. R. A. Griffiths, ‘Wales and the Marches’, in D. Palliser (ed.), *Cambridge Urban history of Britain*, vol. 1, *c.600–1540* (Cambridge, Cambridge University Press, 2000), p. 699.

⁸⁷ *Petitions*, p. 178.

⁸⁸ *CChR*, II, pp. 276–7; Williams, *Ancient and Modern Denbigh*, pp. 119–20, 305; Ellis (ed.), *Registrum Vulgariter*, pp. 172–6.

Pre-publication draft. Do not cite.

Ethnic prohibitions were possible, for example Jews were expressly prohibited in the Flint charter, but Welshmen were not prohibited, and in 1293 five of 76 Flint taxpayers had ethnically Welsh names.⁸⁹ The ‘custom’ referred to by the petitioners might have been a reference to the 1295 ordinance against Welshmen dwelling within or purchasing tenements in walled towns, but the basis of the petition was at best a half truth, and commercial competition was at the root of the complaint. On Anglesey, by 1330, the Beaumaris burgesses were petitioning the crown to lament that they suffered because the ‘Welsh people of country Anglesey’ preferred to trade in Newborough, presumably because of its Welsh character.⁹⁰ From the mid-14th century petitions began to be dispatched to the crown in the name of ‘the English burgesses of north Wales’, purporting to collectivise the interests of the chronically impoverished and put-upon Englishmen in Edward I’s walled foundations, though they could not speak for the many privately chartered seignorial boroughs of the region, such as Ruthin or Denbigh. One such mid-century petition supposed that although ‘King Edward established borough towns in North Wales, namely Caernarfon, Conwy, Beaumaris, Criccieth, Harlech, Bala, Rhuddlan and Flint, and English burgesses to live in them, with certain franchises and liberties ... that they should not be committed by any foreign persons for any appeals...’ royal ministers nonetheless allowed appeals against them by non-burgesses, despite ‘... Knowing that if the burgesses should be arraigned... by the mouths and oaths of Welshmen, there would not...be any Englishman in Wales alive within a short time.’⁹¹ In fact, while the petitioners equate Welsh with ‘non-burgess’, and suggest that all of these towns were founded by Edward I, to the exclusion of Welshmen, only the charter of Bala, granted by Edward II in 1324, mentions ‘English burgesses’.⁹²

⁸⁹ TNA, E 179/424/52.

⁹⁰ *Petitions*, p. 469.

⁹¹ *Petitions*, p. 439.

⁹² Ellis (ed.), *Registrum Vulgariter*, pp. 172–6.

Pre-publication draft. Do not cite.

While in many predominantly Welsh or thoroughly mixed communities, such as Ruthin, the 14th century was one of relative peace and integration, in the cash-strapped Edwardian boroughs the seeds of bottom-up discrimination were being sown just as royal zeal for top-down discrimination was fading. In 1327 Adda ap Einion of Flint, petitioned the king to say that he had married an Englishwoman, Agnes daughter of Richard de Slep, who had given the couple tenements in Flint at their marriage, but that the burgesses of Flint had confiscated them citing his Welshness and a royal ordinance (presumably that of Edward I) prohibiting Welshmen from living in walled towns.⁹³ Adda objected on the grounds that ‘it was ordered to foster peace and agreement between English and Welsh that alliances by marriage should be allowed in all the good towns of Wales which are enclosed with walls’. Adda must have felt confident in the validity of this latter supposed ordinance to cite it before the king. The situation in other nearby towns would have made it believable. Just fifteen miles west, at Ruthin in 1324, half of all burgesses and borough jurors (effectively, the elected town council who made and enforced civic bylaws) were Welsh, and twenty-three miles south in the royal, unwalled borough of Overton in 1293, forty percent of taxable townsmen were Welsh.⁹⁴ It is possible that Edward I had made a statement, now lost to us, to the effect suggested by Adda between Flint’s founding in 1277 and the post-rebellion ordinance of 1295.

As Adda’s petition demonstrates, moves to exclude Welsh burgesses from royal boroughs rested shakily on the 1295 ordinance, which, even then, only applied in ‘walled towns’. The more secure route to excluding the Welsh from the legal franchise was to attain a new borough charter. The earliest known re-issuance of a charter – something undertaken at the burgesses’ request – adding an anti-Welsh feature was that granted to Swansea in 1306, after

⁹³ *Petitions*, p. 172.

⁹⁴ Stevens, ‘Wealth status and “race” in the Ruthin of Edward II’, *Urban History* 32 (2005), pp. 17–32; TNA, E 179/242/52.

Pre-publication draft. Do not cite.

burgesses' complaints about a wide array of seigniorial abuses, which guaranteed that no burgess could be accused by a Welshmen at law.⁹⁵ It is unclear if ethnically Welsh burgesses would have been considered 'Welsh' in this context, but, as in the petition of the English of north Wales above, it specifically equated the 'Welsh' with the outsider, someone beyond the franchise. Moreover, the so-called English burgesses of North Wales would make moves to oust Welshmen from Criccieth in 1337, as well as from Rhuddlan and Flint, and from Beaumaris in 1345, where the original charter was briefly suspended on the grounds that the town had become too Welsh, whereas the borough was originally intended for Englishmen.⁹⁶ The social and economic crisis precipitated by the Black Death in Wales, 1348–9, as a fixed number of towns served a now sharply reduced customer base, provided the motivation necessary for a wave of re-issuances of town charters which prohibited Welshmen from owning burgage property. For example, the English of Hope, Flintshire, received a new no-Welsh charter in 1351 which was confirmed in 1378,⁹⁷ whilst Brecon, Brecknockshire, received a no-Welsh charter in 1365.⁹⁸ While new no-Welsh charters were granted only sporadically to a minority of boroughs in Wales, they were a powerful tool, amounting to local episodes of legally sanctioned discrimination against Welsh townspeople.

In Wales, the Glyndŵr rebellion of 1400–15 would punctuate this third period of exclusion from below by English burgesses with renewed attempts at top-down suppression of Welsh townsmen, at least in the minority of towns that were in royal, as opposed to marcher, territory. Henry IV reissued, by parliamentary statute, the content of the 1295 anti-Welsh

⁹⁵ NLW, MS PM 391; City Witness < <http://www.medievalswansea.ac.uk/en/text/4.html> >, accessed 17-03-2019.

⁹⁶ Carr, *Medieval Anglesey*, 197–8; C. R. Williams, *The History of Flintshire, Vol. 1* (Denbigh, Gee and Sons, 1961), p. 93.

⁹⁷ H. C. Maxwell Lyte (ed.), *Calendar of the Patent Rolls, Richard II, A.D. 1377–1381, Vol. 1* (London, H. M. Stationary Office, 1895), pp. 233–4.

⁹⁸ W. Rees, 'The charters of the boroughs and Brecon and Llandovery', *Bulletin of the Board of Celtic Studies*, 2 (1924), pp. 245–52.

Pre-publication draft. Do not cite.

ordinances, significantly stating ‘And also that no such Welshman be from henceforth chosen or received to be citizen or burgess in any City Borough or Merchant Town’; but the reality of Welsh integration forced him to include the telling caveat, ‘and that such Welshmen which now be in any such said City Borough or Franchise Town, being citizens or burgesses, shall find surety and put a good caution of their good bearing towards the our Sovereign Lord the King and his Heirs of his Realm of England as for to hold their loyalty to the governance of such Cities Boroughs or towns... if the same Welshmen will dwell therein.’⁹⁹ The prohibition thus only applied to new arrivals, not to integrated and assimilated Welsh. After the rebellion, no-Welsh charters continued to be issued, as economic pressure on towns was only intensified following the depredations of the Glyndŵr rebellion and onset of the pan-European 15th-century depression.¹⁰⁰ For example, Llandovery, Carmarthenshire, received a charter in 1485, including a clause that land sold to a Welshman should be forfeit to the king.¹⁰¹ But the dominant pattern towards integration and assimilation would continue until the 1536 Act of Union of England and Wales gave the Welsh equal legal status with the English. Some no-Welsh charters, such as a new no-Welsh charter granted to Holt in 1411, were confirmed after 1536, as Holt’s was in 1563, but by that stage all persons of Wales were legally ‘English’, by rule, rendering such ethnic provisions irrelevant.¹⁰²

In Prussia, particularly in the larger towns, bottom-up resistance to the entry of native persons into town life is not reflected in urban policy until the pan-European economic depression of the 15th century. Even then, it emerged only following a top-down attempt by the territorial authority to counter rural labour shortages by limiting migration to the towns. The economy

⁹⁹ *Statutes Wales*, p. 31.

¹⁰⁰ Stevens, *The Economy of Wales*, pp. 92–6; P. Nightingale, ‘England and the European depression of the mid-fifteenth century’, *The Journal of European Economic History*, 26 (1997), 631–56.

¹⁰¹ *CChR*, VI, pp. 260–1.

¹⁰² D. Pratt, ‘The 1563 Charter of Holt’, *Denbighshire Historical Society Transactions*, 23 (1974), 104–25 at 120–3.

Pre-publication draft. Do not cite.

of the Teutonic Order was still robust at the turn of the 14th and 15th centuries. From the end of the 14th century, however, clear symptoms of a crisis in long-distance trade appeared in large cities, for example, Thorn, Elbing and Kulm. Also, at that time, the population in most Prussian cities declined. Danzig was the only Prussian city which, due to its favourable location near to where the River Vistula enters the Baltic Sea, strengthened its economic and demographic situation during the crisis.¹⁰³

A general decrease in the population of Prussia adversely affected the economic potential of towns, and a shortage of labourers in agriculture caused an increase in labour costs. From the beginning of the 15th century, the Teutonic Order began to regulate migration of the rural native-Prussian population to villages enjoying less-servile German law and to towns in order to preserve the Order's economic resources that were based on the labour services provided by the rural population. Initially, regulations issued by the Grand Masters prohibited the native Prussian population from working as servants in towns and from being employed in beer production (1406). In the second decade of the 15th century, restrictions against the Prussian population were extended to include a ban on settling in towns (1417) and access to citizenship (1418).¹⁰⁴ Contrary to opinions expressed in the older historiography, the purpose of these regulations was not to prevent ethnic conflicts in the towns, but rather to prevent the escape of labour from the countryside to the towns.¹⁰⁵ In 1425 the Grand Master justified a reissuance of the ban on Prussians settling in cities, stating that 'our fields and tributes will

¹⁰³ J. Sarnowsky, *Die Wirtschaftsführung des Deutschen Ordens in Preußen, 1382–1454* (Köln, Böhlau Verlag, 1993), pp. 440, 446; C. Kardasz, 'Monetary credit market in the cities of the southern Baltic coast in the late Middle Ages (Greifswald, Gdańsk, Elbląg, Toruń, Rewel)', in P. Slavičková (ed.), *A History of the Credit Market in Central Europe. The Middle Ages and Early Modern Period*, (London, Routledge, 2020), pp. 107–8; R. Czaja, 'Der preußische Handel um die Wende zum 15. Jahrhundert – zwischen Krise und Expansion', in R. Holbach and M. Pauly (eds), *Städtische Wirtschaft im Mittelalter. Festschrift für Franz Irsigler zum 70. Geburtstag*, (Köln, Böhlau Verlag, 2011), pp. 93–108.

¹⁰⁴ ASP I, s. 104, 309, 317, 358

¹⁰⁵ Erlen, *Europäischer Landesausbau*, p. 173; Militzer, 'Probleme der Migration', p. 34.

Pre-publication draft. Do not cite.

become deserted and spoiled if they mix with the Germans' (*went also warden unsere hoken und dinste vorwustet und vorterbet, we[n] sy ich mit den Dutschen Mengen*).¹⁰⁶ In the following years, the Order softened some of the restrictions, limiting them to a prohibition of accepting Prussians as servants in the towns.¹⁰⁷ It is noteworthy that regulations of the territorial ruler intended to limit the influx of Prussians into towns were not adopted as municipal ordinances by the large Prussian cities. The ban on the admission of Prussians to urban law was only introduced as an ordinance (*willkur*) of the lesser town of Marienburg, which sat in the shadow of the Grand Master's residence and so was probably influenced by officials of the Teutonic Order.¹⁰⁸

The effectively top-down ban on admitting non-Germans to urban law, recorded as an ordinance of Marienburg, bears a superficial resemblance to the 'Wendenparagraph' legislation that restricted Slavic peoples' access to towns in the eastern and northern states of the Holy Roman Empire, from the mid-14th century to the early 16th century. However, Wendenparagraph bans were usually bottom-up initiatives enacted by municipal authorities which were intended to limit the influx of newcomers from the surrounding countryside into guilds.¹⁰⁹ The ethnicity of settlers aspiring to urban citizenship should not itself be treated in such cases as the source or cause of legislation but rather ethnicity was used utilized as the means to an end. In keeping with Parkin's concept of exclusionary closure, this legislation was a tool by which guilds, in times of crisis, sought to limit the rural population's access to relatively skilled and lucrative occupations and thereby to prevent them from increasing

¹⁰⁶ ASP I, p. 440.

¹⁰⁷ ASP II, p. 619, 1444; ASP III, p. 84 (1448), p. 533 (1452); Children from Prussian families were allowed to work as servants in the town if it would serve their religious formation well.

¹⁰⁸ PUB VI, p. 240; W. Długokęcki, *Elita władzy miasta Malborka w średniowieczu* (Malbork, Muzeum Zamkowe, 2004), p. 44.

¹⁰⁹ J. M. Becker, D. Bulach and U. Müller, 'Wissenstransfer, Integration und Ausgrenzung im Handwerk der südlichen Ostseeküste und Brandenburgs', in U. Knefelkamp and K. Bosselmann-Cyran (eds), *Grenze Grenzüberschreitung im Mittelalter* (Berlin, Akademie Verlag, 2007), pp. 215–42; W. Schich, 'Braunschweig und die Ausbildung des sogenannten Wendenparagraphen', in *Geschichte Mittel- und Ostdeutschlands*, 35 (1986), 221–33.

Pre-publication draft. Do not cite.

competition to the general impoverishment of the existing community of craftsmen.

Exclusionary strategies were most easily implemented when affected groups were defined as outsiders. For this purpose, expressive and legible social codes such as race, language or ethnic origin – conveying ‘ethnic disorder’ or ‘ethnic threat’ – were most often used.

In Prussian towns, bottom-up municipal legislation using ethnicity to restrict the access of ‘non-Germans’ (*Undeutsche*) to municipal citizenship appeared only as late as the second half of the 15th century. It should be emphasized that it concerned mainly small towns and craftsmen, that is, social groups particularly severely affected by economic stagnation. In the part of Prussia annexed to the Kingdom of Poland under the 1466 Second Peace of Thorn, there appeared the first restrictions on Poles' access to guilds, in Kulm and Thorn; from 1478, the bakers' and butchers' guilds allowed only Germans. In Thorn, in 1478, the guild of coopers, with the consent of the town council, forbade the admission of Poles as apprentices. The commons of the town, in 1523, during a revolt against the council, demanded that Polish newcomers be prohibited from accessing guild membership or city law.¹¹⁰ Similar regulations were introduced in the second half of the 15th century in towns located in Prussia which remained under the rule of the Grand Master. The 1480 ordinance (*willkür*) of Marienwerder, a town located near the border with the Kingdom of Poland, forbade Poles to have access to municipal rights and ‘municipal professions’ or to buy houses. This latter prohibition would be relaxed, but only for ‘trustworthy’ Poles, who could buy an empty parcel of land and build a house.¹¹¹ It is noteworthy that the subsequent town statute, issued in 1510 by Bishop Job von Dobeneck, did not contain such far-reaching restrictions for the Slavic population. It only ordered that the children of townsmen and peasants should first learn German and pray in

¹¹⁰ J. Tandecki, ‘Die Polen und die polnische Zünfte im Handwerk der Städte Thorn und Kulm im 14.-18. Jahrhundert’, in *Beiträge zur Geschichte Westpreußens*, 14 (1995), 21–39 at 29.

¹¹¹ G. Döhring, ‘Willküren einiger Stadt und Landgemeinden im Kreis Marienwerder’, in *Zeitschrift des Historischen Vereins für den Regierungsbezirk Marienwerder*, 10 (1910), 3–43 at 30–1.

Pre-publication draft. Do not cite.

German, and only secondarily learn the Polish language.¹¹² At the beginning of the 16th century, a ban on admitting Poles to municipal law was introduced also in Gilgenburg, situated on the border with Mazovia.¹¹³

Overall, both Wales and Prussia would experience a wave of bottom-up discrimination, in each instance closely linked to prevailing economic conditions. In Wales, in the most fragile of new urban foundations, the colonial population would begin to complain of their disadvantaged position and of competition by the natives, from the early 14th century. This trend accelerated after the Black Death and lingered on throughout the long 15th-century due to the Glyndŵr rebellion and the pan-European economic depression. In Prussia, the economic situation first began to ‘bite’ in the early 15th century, initially prompting further top-down regulation against native migration to towns, as the Teutonic Order sought to preserve rural labour reserves. However, in the later-15th century this gave way to bottom-up municipal discrimination against Slavic, Polish urban participation that strongly paralleled anti-Welsh measures.

Conclusions

The basic pattern of integration and discrimination of native people in Wales and Prussia is similar and can be divided into three main phases. In the first, natives were accepted; in the second, natives were differentiated from colonists and treated differently by territorial rulers; in the third, natives faced bottom-up discrimination by colonial townspeople. However, in detail, the character of the second and third phases differed between the regions. Three factors

¹¹² R. Czaja, “Pomezński statut o miastach z 1510 roku: przyczynek do polityki miejskiej biskupów pruskich”, in M. Dorna (ed.), *Stilo et animo, prace historyczne ofiarowane Tomaszowi Jasińskiemu w 65. rocznicę urodzin*, (Poznań, Instytut Historii Uniwersytetu im. Adama Mickiewicza, 2016), pp. 453–63.

¹¹³ H. Meye, *Geschichte der Stadt Gilgenburg in Ostpreußen 1326–1926* (Gilgenburg, Masurische Handelsdruckereis, 1926), pp. 30, 111.

shaped the similarities and the differences: power dynamics, economics and ethnic – or even in Geraldine Heng’s view ‘racial’ – dynamics.¹¹⁴

In both regions, the imperative for attracting native and colonial incomers alike into new towns was the pressing need to construct an economically viable urban settlement, which required scarce human capital, material investment and access to local resources. The differing character of top-down discrimination in Wales and Prussia was shaped by dynamics of power. In Wales, towns were mostly small (less than 500 persons), economically fragile and adjoined royal or seignorial castles.¹¹⁵ In areas of royal control especially, the typically castellated boroughs represented a symbiotic relationship in which towns supported and enhanced the network of royal garrisons representing an absentee landlord and distant central authority, while themselves being dependent on royal defence and economic assistance. Therefore, the crown saw defence against Welsh insurrection, as happened in 1294–5, as being consistent with policies that discriminated against potentially destabilising Welsh urban participation. In contrast, in Prussia, the Teutonic Order was not an absentee landlord, but a present and engaged territorial overlord, while some early Prussian towns, especially the larger ones such as Thorn, Kulm and Elbing, were prosperous. The Teutonic Order, therefore, quickly moved to limit or prevent judicial encroachment by municipal authorities into its sphere of control over the subject native Prussian and Slavic population that underpinned seignorial income. In the difference between these cooperative and adversarial overlord-town relations may lie some roots of the differing trajectories that would lead, on the one hand, to Glyndŵr’s 1400–15 rebellion and the systematic burning towns in Wales due to their association with the territorial lord, and, on the other hand, to the urban uprising in Prussia,

¹¹⁴ G. Heng, *The Invention of Race in the European Middle Ages* (Cambridge, Cambridge University Press, 2018), esp. pp. 36–41.

¹¹⁵ Soulsby, *The Towns*, pp. 19–27.

1454–66, against the Teutonic Order in favour of the authority of the Polish king.¹¹⁶ Bottom-up discrimination in both Wales and Prussia came in response to urban economic strains, although these were felt much earlier in the often geographically remote colonial towns of Wales, with its modest agricultural productivity.¹¹⁷ In both regions the long-term consequences of the depopulating Black Death and subsequent epidemics on local and long-distance trade, and the pan-European economic depression, led townspeople to batten onto ethnic identity as a vehicle for discrimination intended to limit economic competition. In both regions this was inconsistently applied and most acutely felt in towns in which colonial English or German elements predominated. In Prussia these tended to be larger towns, such as Thorn and Kulm, and those near the border with Poland. In Wales, they also tended to be those located near the English border, or on the coast with maritime connections to England, such as Flint or Llandoverly. Overall, in Wales, the close association between colonial towns and the crown led to a higher degree of identifiable urban inter-ethnic animus than is observable in Prussia. However, this was no bar against economically motivated discrimination against non-Germans in 15th century Prussia.

¹¹⁶ Stevens, *The Economy of Wales*, pp. 90–1; R. Czaja, ‘Die Krise der Landesherrschaft. Der Deutsche Orden und die Gesellschaft seines Staates in Preußen in der ersten Hälfte des 15. Jahrhunderts’, *Ordines Militares. Colloquia Torunensia Historica. Yearbook for the Study of the Military Orders*, 16 (2011) 159–72 at 168–9.

¹¹⁷ See, Griffiths, ‘Wales and the Marches’.



Fig. 1. The urban network in Prussia in the 15th century.

Source: M. Biskup and R. Czaja (eds), *Państwo zakonu krzyżackiego w Prusach. Władza i społeczeństwo* (Warszawa, PWN, 2008), p. 187, drawn by Krystian Chyrkowski.



Fig. 2. The urban network in medieval Wales.

Source: based on M. F. Stevens, *The Economy of Medieval Wales, 1067–1536* (Cardiff, University of Wales Press, 2019), p. 13, ‘Map 3. The towns of fourteenth-century Wales’.