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# ACTA HISTRIAE

## 33, 2025, 2

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*Tržnica (El Bornet) v središču Barcelone; v ozadju obrambni del mesta, anonimna slika iz 18. stoletja. / Mercato (El Bornet) nel centro di Barcellona, con la cittadella militare sullo sfondo, dipinto anonimo del XVIII secolo. / The market (El Bornet) in central Barcelona, with the military citadel in the background, anonymous 18th century painting (Barcelona City History Museum, MHCB 10946; Wikimedia Commons).*

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FACING FOREIGNERS IN URBAN EARLY MODERN EUROPE:  
LEGISLATION, DELIBERATION, PRACTICE –  
INTRODUCTION TO THE SPECIAL DOUBLE ISSUE

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**ABSTRACT**

*This Introduction frames a special double issue of Acta Histriae comprising thirteen articles on foreigners in European towns (c. 1400–1800). Building on our project proposal’s analytic triad—law, deliberation, practice—it traces changing definitions of foreignness and the calibrated inclusion/exclusion of newcomers (status ladders, citizenship, guilds, markets, health regimes, gendered boundaries, marginality). To ensure comparability across diverse archives and regions, each contribution was synthesised through a transparent, prompt-guided LLM workflow, with human verification, yielding concise vignettes that foreground temporal change from medieval municipal grammars to early modern co-jurisdiction.*

*Keywords: Foreigners and foreignness, early modern Europe, urban citizenship and status, law–deliberation–practice, inclusion and exclusion, municipal statutes and councils, health regimes and quarantine*

AFFRONTARE GLI STRANIERI NELL’EUROPA URBANA DELLA PRIMA  
ETÀ MODERNA: LEGISLAZIONE, DELIBERAZIONE, PRATICA –  
INTRODUZIONE AL NUMERO SPECIALE DOPPIO

**SINTESI**

*Questa Introduzione inquadra un numero speciale doppio di Acta Histriae composto da tredici saggi sugli stranieri nelle città europee (ca. 1400–1800). Muovendo dalla triade analitica delineata nel progetto—legge, deliberazione, pratica—ricostruisce l’evoluzione delle definizioni di straniero e le forme calibrate di inclusione/esclusione dei nuovi arrivati (scale di status, cittadinanza, corporazioni, mercati, regimi sanitari, confini di genere, marginalità). Per garantire la comparabilità tra archivi e aree diverse, ogni contributo è stato sintetizzato mediante un flusso trasparente, guidato da prompt, con l’ausilio di*

*un LLM e verifica umana, producendo brevi vignette che mettono in primo piano il mutamento temporale dal lessico municipale medievale alla co-giurisdizione della prima età moderna.*

*Parole chiave: stranieri e stranierità, Europa della prima età moderna, cittadinanza urbana e status, legge–deliberazione–pratica, inclusione ed esclusione, statuti municipali e consigli, regimi sanitari e quarantena*

### **PROEMIUM: Aims and Method, with a prompt-guided LLM workflow and human verification**

Facing foreigners is always a distinctive challenge. The complexity of foreignness in European lands during the transition from the Middle Ages to the early modern period calls for an interdisciplinary and comparative approach. Many of these dimensions are explored in this special double issue of *Acta Histriae*.<sup>1</sup> Methodologically, the Introduction engages both current research questions and the scholarly use of a large language model (LLM) as a means of obtaining a coherent interpretation. On the basis of thirteen articles produced within two projects under my direction (*ChangeCode*; *Facing Foreigners*)—accepted after peer review—I sought to test the analytical, synthetic, and abstracting capacity of GPT-5 Thinking in this thematic field.

Part I (“Problematisation and Research Aims”) was written without AI, in order to set out the research premises in the conventional manner and to familiarise the model through staged summaries (in three-page increments). After several rounds of exchanges and **human verification**, each article was analysed to produce a coherent synthesis aligned with Part I and the **law–deliberation–practice** triad. I then designed the premises and objectives for the PROMPT, which is reproduced as an

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1 Studies were carried out within the framework of COST Action CA22149 *CHANGECODE – Research Network for Interdisciplinary Studies of Transhistorical Deliberative Democracy*, and the research project J6-4603 *Facing Foreigners Between the Medieval and Early Modern Period in the North Adriatic Towns*, funded by the Slovene Research and Innovation Agency (ARIS) and they were presented at the international conference *Facing Foreigners in Urban Early Modern Europe: Legislation, Deliberation, Practice*, which took place at the University of Maribor from 27–29 November 2024 and was attended by 31 speakers with 28 papers from practically all European regions. The discussions that reached the editorial board of *Acta Histriae* after the conference and underwent the double-blind peer review process are published in this and in the next issue. This paper is the result also of research carried out in the research programme P6-0435 *Practices of conflict resolution between customary and statutory law in the area of today’s Slovenia and its neighbouring lands*, and of research projects GC-0002 *LLM4DH – Large language models for digital humanities* and J7-60128 *AID HCH – Break through in humanities and cultural heritage with artificial intelligence*, funded by ARIS.

appendix to Part II, Vignettes by Thematic Clusters, of this Introduction. Part II was written with the assistance of ChatGPT-5 Thinking, by instructing the model—via the finalised prompt—to analyse each individual article.

Both parts were sent to the respective authors for verification (at that time excluding this proem, the Methodological Note, and the final paragraph of the Conclusions).<sup>2</sup> All authors responded. Initially, they were not informed about the AI-assisted workflow in order to minimise bias; they were subsequently notified that (1) analyses were conducted in a licensed, closed ChatGPT environment; (2) summaries were AI-assisted and then revised in light of their comments; and (3) written consent for publication was obtained via email. All applicable European ethical standards were observed.<sup>3</sup>

The objective is twofold: to present the research corpus and, at the same time, to assess the accuracy and reliability of GPT-5 Thinking for reading and summarising scholarly articles, identifying methodological procedures that yield the most robust results.

## I. PROBLEMATISATION AND RESEARCH AIMS

Most of the early modern period can be regarded as an age of foreigners: an extraordinary geographic and social mobility began due to population and economic growth, wars, epidemics and religious upheaval. Since their establishment, foreigners have been essential to cities and towns and the research on urban society, economy, law and politics is inseparable from the investigation of migration, aliens and strangers.

If ever, then the current period of mass migration, a global pandemic and wars are an opportunity to broaden the public debate by contributing an historical insight into the problem. It is for this reason that papers on this issue attempt to unveil the complex relationship between the identity, belonging, perception and representation of foreigners between the medieval and early modern period. The following pages problematise the central matter, the questions that animate this issue, and the historiographical pay-off of reading foreignness through law, deliberation and practice.

From the political perspective, the early modern period was an era of geographic discovery and the related colonial competition, shifts in power and influence among European powers, of confessional division, great peasant revolts, accelerated the dissemination of new discoveries and ideas with advancements in the printing press, centralisation efforts by sovereigns and resulting in resistance on the part of the elite. This threat was joined by plague epidemics, wars, and

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2 At the time of author verification, the outcome of this methodological test was not yet known; had the results proved unsatisfactory, the AI-assisted material would not have been included in the published version.

3 Cf. [https://research-and-innovation.ec.europa.eu/document/edc8027b-2811-4347-82f4-fa8b29ece534\\_en](https://research-and-innovation.ec.europa.eu/document/edc8027b-2811-4347-82f4-fa8b29ece534_en); <https://european-research-area.ec.europa.eu/news/living-guidelines-responsible-use-generative-ai-research-published>.

feuds between local magnates which exhausted the local inhabitants, additionally decimating the already impoverished population: large swaths of deserted land appeared in many European regions of the time. To illustrate this point: in Istria, the process was exacerbated by the plague and malaria, hunger, wars and other natural or man-made disasters. The desolation called for an influx of new inhabitants and resulted in extensive planned and unplanned migration not seen in the area before or since. In the first half of the sixteenth century, in a period of only 20 years, so many migrants came to Istria from the Balkans that they constituted over twenty percent of the Istrian population, both in the Venetian and Habsburg parts of the peninsula. These shifts continued for another century, until the mid-seventeenth century. Hence, according to some calculations, only due to these migrations have migrants constituted more than half the population (Bertoša, 1986; Ivetic, 1997; Darovec, 2004). In the rest of the territory of present-day Slovenia, migrations to towns and the countryside were not that vast, yet exceeded the present European situation by the relative numbers of migrants (Grafenauer, 1991).

While a great deal of European research addresses foreigners in the Middle Ages or in early modernity, the main objective of these papers is focussed on changes in the attitudes towards foreigners during the transition from the medieval to modern period, especially how and in what ways the relationship changed with the growing centralisation of the administrative and judicial state (the sovereign's) authority.

The aim of the special double issue of *Acta Histriae* is to track the transition itself: to show how the municipal language of belonging met and were reshaped by centralising princely and higher-council jurisdictions (Great/Minor Councils, senates, *consejos*, magistracies). The papers ask how 'foreignness' was re-defined in law and re-argued in deliberation; how inclusion and exclusion were operationalised in practice – from guild constitutions, marriage strategies and market-court adjudication to quarantine regimes and banishment. They probe motives and mobilities (economic corridors, confessional wars, epidemics), the social uses of useful outsiders (bankers, craftsmen, licensed traders), and the changing infrastructures of support (confraternities, hospitals, nations). They examine the gendered aspects of foreignness, the differentiated legal status accorded to Jews, and imagological 'soft law' that trained reception. Methodologically, we privilege closely documented case studies in a comparative frame (Adriatic to Catalonia to Sicily; inland vs littoral), so that micro-procedures (oaths, domiciles, sureties, licenses, seals) can be read as indicators of a macro-shift from communal discretion to shared city-sovereign governance.

### **From Municipal Custom to Centralised Jurisdiction (1400–1800)**

In the long transition from commune to state, urban statutes and deliberative bodies were not replaced; they were overlaid by municipal council and princely jurisdictions that co-produced inclusion and exclusion.

The literature on foreigners in medieval and early modern European cities and towns is legion. Apart from legal and political studies, recent historical research has also benefited from the application of anthropological and sociological approaches (e.g. Pitt-Rivers, 1971; Geertz, 1973; Cohen, 1985). Particularly for the Mediterranean urban centres there are abundant medieval studies due to extensive and well preserved records, generally lacking elsewhere in Europe before the Late Middle Ages.

Recent research on various legal, social, cultural, economic and political aspects of foreigners in medieval and early modern cities and towns, which more or less comparatively addresses Europe as a whole, provides useful comparison, methodological approaches and theoretical perspectives for this project. There are several important studies for medieval (e.g. Kim, 2000; d'Alteroche, 2002; Remie Constable, 2003; Fernández-Armesto & Muldoon, 2008; Borgolte, 2009; 2014; Carocci, 2011; Haseldine, 2013; Prajda, 2018; 2023; Chiodi, 2020; Rubin, 2020; chapters in Balard & Ducellier, 2002; Skoda et al., 2012; Quertier et al., 2013; Coşkun & Raphael, 2014; O'Doherty & Felicitas Schmieder, 2015; Czaja, 2016; 2018; Davis-Secord, 2021) and early modern Europe (e.g. Braudel, 1966; de Vries, 1984, 179-200; François, 1985; Canny, 1994; Fontaine, 1996; Cowan, 2000; Kizik, 2004; Calabi, 2006; Groebner, 2007; De Munck & Winter, 2012; Ojala-Fulwood, 2018; Prak, 2018; chapters in Menjot & Pinol, 1996; Calabi & Christensen, 2007; Pauly & Lee, 2015).

Many researchers have also engaged with medieval itinerant social groups such as monks (e.g. Snijders, 2017), students (e.g. Verger, 1995) and members of military orders (e.g. Burgtorf & Nicholson, 2006). Likewise, the history of the Jews is bound to the investigation on foreigners in premodern Europe – of which there are abundant studies. Since the end of the fifteenth c., due to overseas expansion and colonisation, new foreigners, or at least in greater numbers than before, came or were brought to Europe from Sub-Saharan Africa (e.g. Earle & Lowe, 2005), South and East Asia and the Americas. Recently, the expanding research on women, especially single women, in cities and towns has also noted their relative 'foreignness', particularly in contrast with fully-fledged citizens, who were always male (some important studies are Mosher Stuard, 1987; Kirshner, 2001; Lansing, 2003; Beattie, 2007; Mummey & Kathryn Reyerson, 2011; Bennet, 2018; chapters in Bennet & Froide, 1998; Studer, 2002; Rubin, 2020 etc.).

Italian scholarship is particularly rich with urban studies on migration, integration, control and exclusion of various social, ethnic and religious groups in the Middle Ages and the early modern period (e.g. Balestracci, 1988; Molà, 1994; Cecchi, 1996; Petti Balbi, 2001; Davide, 2008; Trivellato, 2009; Mueller, 2010; Cerutti, 2012; Burke, 2016; Fattori, 2019; chapters in Cavaciocchi, 1994; Calabi & Lanaro, 1998; Bottin & Calabi, 1999; the special issue of *Quaderni Storici* 36, 2001).

Outside the Mediterranean, because of a greater lack of earlier sources, research is largely focused on the Late Middle Ages and the early modern period. There are several important studies on France (e.g. Reyerson, 1995; Rollo-Koster, 1998; Farmer, 2016), Britain (e.g. Stevens, 2010; Pajic, 2020; chapters in Ormrod et al.,

2017; 2019), etc. Recently, there have also been advances (an important older study is e.g. Zientara, 1974) in the investigation of the segregation, integration and assimilation of foreigners in the multiethnic and multi-confessional regions of Eastern and East-Central Europe, including the Kingdom of Hungary (e.g. Szende, 2019; important compilations are Janaczek & Wünsch, 2004; Ivetic & Roksandić, 2007; Keene et al., 2009; Jaritz & Szende, 2016, etc.; a seminal overview is also Miller, 2008, 33-120). For the Holy Roman Empire, there are several studies on urban migration and newcomers (e.g. Mathis, 1977; Hochstadt, 1983; Friedrichs, 1985; Jaritz & Müller, 1988; Roeck, 1993; Meier, 2007; a seminal collection is Schwinges, 2002) as well as foreignness itself (on medieval concepts e.g. Scior, 2002; Aurast, 2019). Furthermore, there are several essential studies on social control and disciplining efforts in the Empire from the late fifteenth century that affected various ‘classes’ of foreigners (the poor, the heterodox, women, Jews etc.) and concepts of foreignness, especially in the early modern period, when the process was exacerbated by Reformation morality, the urbanisation of nobility, and post-Westphalian concepts of state (Price, 2009, 39), tightening control and amplifying the importance of propriety and economic benefits as the main factors of urban inclusion (e.g. Blicke, 1985; Po-chia Hsia, 1989; Roper, 1989; Dinges, 1991; Coy, 2008). Yet, the confessional divide did not necessarily turn neighbours into foreigners, as it was often bridged by various pre-existing social bonds (an important study is e.g. Kaplan, 2007).

In contrast with much of the European research, Slovenian historiography has hitherto neglected the question of foreigners in premodern towns and has rather focused on medieval rural colonisation (e.g. Vilfan, 1974). Due to the dominant national(ist) focus of research, there has been a paradox in the investigation: the citizens of the littoral and larger inland medieval and early modern towns are regarded as Italians and Germans and thus as foreigners (e.g. Kos, 1956-57; Vilfan, 1975; Grafenauer, 1991), whereas most of the actual urban foreigners arriving from the predominantly Slovenian-speaking countryside are regarded as natives (cf. Golec, 2002). Only for the period since the nineteenth century, with the growth of state and local bureaucracy and the introduction of Slovenian as an official language of law and administration, has there been more interest in urban foreigners (e.g. chapters in Štih & Balkovec, 2010). While there is some research on medieval (Kosi, 1998; Štih, 2010) and early modern migration (Voje, 1992; Simoniti, 2000; Fajčič & Darovec, 2010), particularly Italian merchants (e.g. Gestrin, 1981; Valentinitzsch, 1998), the largely rural immigration (e.g. Darovec, 1995; 2002; 2021; Golec, 2012), assimilation of Orthodox Christians and Muslims (Golec, 2019) and ample literature on the Jews (a seminal study is Jelinčič Boeta, 2009), premodern foreigners remain a neglected field of research and the few existing studies focus rather on identifying newcomers (e.g. Golec, 2009; Mihelič, 2017; Mlinar, 2020) than analysing the phenomenon in a broader social, legal and political perspective.

What changed, in practice, were the tools and forums that made foreignness legible and governable. Late-medieval communal language of belonging (*habitor* → *vicinus* → *civis*) were not abandoned but overlaid by sovereign paperwork

and magistracies: municipal council *cittadinanza* seals, princely concessions and *condotte*, standardised registers and notarial oaths, guild ‘bags’+, health boards with passes and quarantines, even bando lists that turned natives into ‘internal foreigners’. Deliberation thus migrated from single communal councils to nested arenas (Great Councils alongside senates, princely chambers, health magistracies), where inclusion and exclusion became calibrated procedures rather than binary labels – reversible, conditional, and documented.

### **Defining the Foreigner: Status, Perception, and Deliberative Practice**

Membership in the civic body—and in its corporate organs—remained a graded, negotiated condition: legal status set thresholds, perception primed reception, and councils’ deliberation translated both into admissions, licences, expulsions or remissions.

Therefore, we first have to ask ourselves: what defined someone as a foreigner in a community? And, particularly, if and how did the legal, political, economic, social and cultural attitudes towards foreigners change in the transition from the Middle Ages to early modernity. For this, we need to focus on the strengthening of the state, which dictated the attitudes towards foreigners.

In medieval and early modern cities and towns, anyone who was not a member of the local urban community, i.e. a full citizen (*cives*, *Bürger*), was regarded as a foreigner. In great cities, the decision on who was a foreigner was left entirely to the magistrates until the interventions of the early modern state, overriding local statutes and interfering in their jurisdictions. The question of inclusion or exclusion is constitutional rather than political or anthropological and can be directly identified at the normative level, especially in local town statutes, valid for towns and their territories. However, rural communities also had their own customs. Thus, at the centre was the concept of homeland (*patria*), the place where someone was born and grew up, while one was already regarded a foreigner in a town only a few kilometres away. The concept of belonging to a community or town is directly visible in the punishment of being banished that expelled the individual from the territory of his or her’s community (Povolo & Darovec, 2018). Other punishments used in the Middle Ages and well into the early modern period also show that they were predicated on the concept of belonging to a community. For example, thieves had their ears or noses cut, which allowed for the identification of culprits. Public shaming by putting offenders in the pillory had the same purpose. Local customs also prevailed in laws of inheritance, dowries and community assets as well as in petitions of foreigners or inhabitants without citizenship to be granted admission among the enfranchised members of the community. In cities and towns as well as in rural communities, a foreigner did not become a member just by settling in. Various factors were essential for ‘foreigners’ to become full members of a community, from the time spent living in the community to the foreigner’s economic and matrimonial status, their reputation and the current economic, social and political situation.

The subject of the foreigner includes his or her identity: how did individuals identify themselves in the past? Since a community exists first in the minds of its members (Cohen, 1985), this was certainly based not only on appearance, language or place of origin. Nevertheless, we could sum up the concept of community at the anthropological level as ‘everyone knows everyone’. One’s profession and land of origin were the standards that made the identification of a ‘foreigner’ possible. Clothes defined one’s social standing and profession: the attire of an Istrian or Styrian peasant woman was easy to identify. However, so were certain traditions and customs from foreign lands. Language and dialects were the next signs in defining someone as a ‘foreigner’, as well as their gestures and conduct. The individual’s social status was another factor of exclusion or inclusion.

As argued by Julian A. Pitt-Rivers (1977) and Anthony P. Cohen (1985), wealthy people who owned real-estate in rural communities were not necessarily regarded as their actual members, even though they were obviously well recognisable. The terminology is likewise generally connected to the complex relationship between the community and foreigners: next to designating a belonging to a state or linguistic group, the term nation (*natio*) in the medieval and early modern period also had specific economic value (e.g. the German nation in Venice) and was also a term of friendship and protection. There were entire communities, such as the Jews, that were regarded as foreigners (Rubin, 2020) or as Others due to their religion, even if they were an important segment of the urban population, or mobile groups such as the Romani, who were hard to assimilate within a territory, as they generally lived in the countryside. Then, there is the question of gender. What identity did women have outside their family and kin? Were they some kind of foreigners elsewhere? Since matrimony established alliances and peace, it is clear that the ‘transfer’ of women maintained the characteristics of foreignness in relation to the groups that received and accepted them. But marriage was also a means of the transfer of wealth, of social ascent and of key importance in the integration of foreigners into a community. Also, following this integration, outside bonds of consanguinity could become secondary as kin turned into foreigners, as studies from Friuli show (e.g. Bianco, 1990; Lorenzini, 2006; Povolò, 2013).

The sixteenth century can certainly be regarded as a century of foreigners: an extraordinary geographic and social mobility begins due to economic growth. The perception of foreigners changed as well. We could say that the concept of the foreigner, at first connected to his or her identification with or belonging to another territory, became in the modern period a synonym for a potentially dangerous or maladjusted person. Epidemics worsened the widespread fear of those unknown in a community. Essentially, economically beneficial foreigners coming from other geographic areas were more acceptable than those arriving from the surrounding countryside. Vagabonds and beggars also became foreigners, especially since the late fifteenth century when their numbers grew exponentially. Thus, they became an ever-greater problem for cities and towns, which magistrates from the sixteenth century also addressed via Protestant morality, exacerbating their exclusion (see e.g. Coy, 2008).

Foreigners were not a homogenous group – they differed according to their way of life and social status, profession, age, gender, origins, numbers, wealth, religion, ethnicity; factors by which the community, in accordance with the ideals of the ‘common good’ (*bonum commune*) (Rubin, 2020), restricted, allowed or encouraged their settlement, cultural exchange, integration and assimilation into the local population, albeit alongside ever-present segregation. Some foreigners came as individuals, others with their families or within a certain social group or as part of mass colonisation, from faraway places or a town’s immediate vicinity. They fled war, famine or epidemics or migrated for economic or religious reasons. The manner of their arrival could also differ: forced, voluntary or following a call or invitation by individual cities or rulers. Immigrants influenced demographic, legal, social, institutional, familial, economic, cultural, topographic and other aspects of urban life, thus affecting changes in the identity of towns and their inhabitants to a larger or lesser degree. Together with the local population, foreigners cooperated in the economic and social restructuring of the urban landscape. The character, level and intensity of these changes depended particularly on the category of immigrants and in the ways in which cities or certain social groups responded to them. In most cases immigrants were beneficial to towns, bringing various novelties, cultural diversity and hybridity along with their professional capabilities. Occasionally they could also disrupt certain urban processes and cause serious social problems like poverty, housing issues, even greater social differentiation, all of which could cause social upheaval and revolts and a need for the establishment of public order, especially in times of crisis (Benyovski Latin, 2020, 11–13).

The key element of community life was (and remains) the common network established by social and familial mutual relations that ensures that the individual and collective dimensions merge into the *unicum*, representing the unified foundation of a community. These communities gave priority to those strategies that were defined as *cooperation*. Strategies that emphasised the exchange of women on a limited scale as much as possible to defend themselves from dangerous outside incursions and maintain those traditions that were the easiest to explain in the spirit of a community’s customs. The themes of *kinship* and its roots in the *territory* were most likely the decisive factor in defining some of the most typical features of a small community: its *conservatism*, obligation to tradition and a fundamental distrust, if not outright *hostility*, to everything that came from outside. It can be assumed that these elements represent the source of the distinction between *natives* and *foreigners*, further stimulated by the need for a *just* distribution of local sources. Yet in order for this distinction to be protected, it had to lean on a strong internal ideological connotation: the awareness of a community’s own traditions and customs. It was this very awareness that the central creators of early modern states – headed by rulers and their judicial-administrative apparatuses – most strived to change among all social strata. The territorial fundament of community gradually moved from local to state borders and, likewise, the jurisdiction over migration transferred from local to central authorities, the customary system of conflict resolution, feuds, vendet-

tas, banishment and peacemaking rituals was replaced by state-prescribed trial procedures led by educated jurists, punitive measures and tax policies, including the control over subjects, came entirely under the jurisdiction of central authorities (cf. Bianco, 1995; Agamben, 1998; Povolo 2015; Carroll, 2017; Carroll & Cecchinato, 2019; Casals, 2017; Ergaver, 2017; Faggion, 2017; Martin, 2017; Muir, 2017; Oman, 2017; 2018; 2019;). Educated jurists codified customs, contributing to the unification of written legislation. However, these processes, including the attitudes towards the status and definition of foreigners, were gradual.

The banished became foreigners in the strict legal sense—without the option to return—whereas previously they were merely excluded as disruptive members, with their cases handled through deliberation between the conflicting parties, i.e. negotiations involving the entire community on adequate compensation for damages. With the establishment of the centralised judicial system in early modernity, culprits were banished from state territory, not just their own community as before, and had no right to asylum abroad, which i.a. completely changed the rules of hospitality and the concepts of the common good. Banditry contributed to a clearer demarcation of state territory, as the borders took on more concrete forms of delimitation through the relentless fight against exiles and bandits (Neocleous, 2003, 103; cf. Casals, 2019; Povolo 2017). Another, even more general political problem emerged in the modern age: the changed definition of the state. From the Peace of Westphalia (1648) states became ‘extended communities’, replacing the ‘small’ patriae and started to identify their subjects by new standards of belonging that were previously unknown (Tilly, 1985). However, this was also the time of the vigorous rise of the modern civil society, based on a contract for mutual preservation (Antony et al., 2020, 4).

### **Examining Shifts in Attitudes toward Foreigners (1400–1800)**

Changes in the attitudes towards foreigners in European urban centres during its transition from the Middle Ages to the early modern period are clearly articulated across the papers: 1) changes in the definition of foreignness and the pertinent customs, laws and deliberative practices of the inclusion and exclusion of foreigners from the medieval to the early modern period; 2) the economic, cultural, demographic and political importance and role of foreigners, why they immigrated and the types of their mobility; 3) aspects of immigration policies and attitudes towards foreigners, integration and assimilation policies towards newcomers; 4) changing identities and cultural transfers; 5) categories of foreigners, their social status and relations with natives depending on the socio-political situation; 6) attitudes towards the policies of inclusion and exclusion between newcomers and natives: relations between the new and the old populace; 7) integration policies: from foreigners to neighbours and citizens, neighbourhoods; 8) values of hospitality; 9) foreigners’ support networks, such as religious orders, confraternities, hospitals or guilds; 10) health aspects: quarantines and barbwire

border-fences during epidemics; 11) gender aspects; 12) the marginalised as foreigners – crime and custom: exiles, bandits, vagrants, smugglers.

Geographically, the papers focus on Mediterranean and Central Europe – from Croatia (1) through Slovenia (4), Italy (3) and Spain (3), with one study on early modern representations or stereotypes of Russians and Turks – while methodologically it relies predominantly on the case-study approach within a comparative frame, enabling both the detection of change across the period from 1400–1800 and through cross-urban comparison. This allows one to, on the one hand, shed light on the discourse of authorities that prevails in archival sources, and on the other, to examine iconographic, folkloric and other sources of different provenience (such as statutes, guild books, lazaretto files, notarial acts, iconography) reflecting the experience and the mental world of ordinary townsfolk and foreigners and their perception of the world.

Taken together, the case studies show how urban belonging shifted from largely municipal regimes of statute and custom – where councils negotiated thresholds of admission, protection, and discipline – to mixed jurisdictions in which centralising princely and state-council authorities increasingly codified, supervised, or overruled local deliberations. Law defined status (from *habitor* and *vicinus* to *civis*), deliberation in councils and guilds calibrated inclusion or expulsion case by case, and practice on the ground – oaths, sureties, market licences, health passes, quarantines, and bans – performed graded hospitality. Against this evolving matrix, the papers track why and how foreigners moved, how cities valued their labour, credit, and skills, and how suspicion hardened in moments of risk (e.g. war or epidemic). By reading foreignness through the triad law-deliberation-practice, this double issue foregrounds change as a process that was negotiated – in statutes and minutes, at gates and markets – rather than decreed once and for all.

To ensure that these heterogeneous cases could be read in a comparable way—across different archives, legal idioms and urban regimes—we standardised the analytic lens and drafting procedure. The methodological note (**cf. Appendix**) sets out the prompt-guided workflow, human verification and transparency safeguards used to generate the vignettes.

## II. VIGNETTES BY THEMATIC CLUSTERS

Applying this template to each contribution, we present concise vignettes that make period, place and core problem explicit, trace law–deliberation–practice in operation, and foreground change over time within a shared comparative register.

The following vignettes address changes in attitudes toward foreigners and are organised into seven thematic clusters, so that the argument proceeds cumulatively—from status and law to corporate life and functional citizenship, markets, images, sanitary regimes, gendered boundaries, and, finally, marginality as a juridical condition—using the methodological template outlined above.

*Cluster 1: Status, Law, and Ranks of Belonging***Darja Mihelič, ‘Foreigners in the Statutes of Trieste, Muggia, Koper, Izola and Piran: From the High Middle Ages to the Early Modern Period’**

Mihelič reconstructs the north-eastern Adriatic as a legal laboratory where foreignness was not a fixed essence but a status produced at the intersection of statute, council, and everyday enforcement. The municipal statutes are strikingly consistent: belonging is articulated along the ranks habitator → vicinus → civis and tethered to oath, domicile, surety, and spatial anchoring (house-building obligations in designated quarters). Jews and clergy traverse distinct juridical tracks (special oaths, immunities or restrictions), while marginal subjects (paupers, lepers, vagrants) are policed through tailored clauses; yet foreigners are mentioned everywhere – sometimes as risk, sometimes as resource.

On the distrust side, statutes bar weapon-bearing, surety restrictions and assignments of debt on behalf of outsiders, a prohibition to sell strategic goods or arms to them, and regulate their movements, lodging, and nighttime conduct. Criminal procedure treats disputes between citizens and foreigners as a distinct category, often reserving aggravated punishment for attacks within civic jurisdictions, while still offering foreigners access to counsel and to predictable forums (set court days, notarial proof rules). Property is the hard edge: widespread bans on denying the purchase of urban real estate to non-citizens, rigorous retraction rights, and the invalidation of bequests unless neighbourhood duties (*vicinitas*) are assumed within fixed deadlines.

Yet the same texts design selective hospitality. Foreign merchants are channelled into regulated spaces (market houses, fish stalls, butchers’ tables ‘for foreigners’), granted expedited adjudication, and taxed or exempted with fiscal precision. Bread, wine, oil, salt, metals, timber, and textiles move under tightly defined licenses; fairs and leases (including salt pans) make outsiders fiscal insiders so long as they service provisioning. Cities also provide avenues for membership: oaths of *vicinantia*, grace periods from levies, and house-building incentives convert useful strangers into neighbours and, sometimes, citizens. Health crises move the dial: emergency closures (e.g. those which occurred in Piran during plague outbreaks) suspend ordinary hospitality and re-draw borders through lazaretto-style quarantines, demonstrating how inclusion turns probationary under epidemiological uncertainty.

It is therefore not surprising that cities viewed foreigners with a certain degree of distrust, both in terms of the potential physical threat they could pose and in terms of economic protectionism. ‘However,’ says Mihelič in her abstract, ‘the towns did not entirely reject foreigners outright; rather, in line with their own interests, they admitted foreign settlers into their communities, granting them the status of (new) residents or citizens’.

Change appears as overlay rather than rupture. Statutes are periodically amended; under Habsburg and Venetian rule the settlers’ oath recedes from later redactions in favour of record-based criteria (years of tax/service) that sharpen who still counts

as a ‘foreigner’. Medieval communal customs and statutes endure, but sovereign and documentary layers standardise how cities include and exclude – by oaths, lists, licenses, and fines that translate suspicion into calibrated access.

In sum, Mihelič offers a faithful, source-tight portrait of how late medieval northern Adriatic towns choreographed proximity – writing foreigners into everyday clauses on streets, shores, vineyards, markets – and how early modern overlays recalibrated those scripts rather than abolishing them. The article is a suitable point of departure for the case studies that follow, as they shift the analysis from normative texts to deliberative forums and their implementation in practice – showing, across Palermo, Barcelona, Terrassa, and beyond, how deliberative practices in early modern Mediterranean and continental cities operationalised the changing thresholds of inclusion and exclusion.

As the next contribution turns to staged recognition in a composite monarchy – Lozano Jiménez on *cittadinanza* in Palermo – it will be possible to read these gendered internal frontiers against patrician procedures of admission, asking how civic seals and composite-council deliberation re-inscribe (or relax) the kinds of thresholds that statutes imposed inside the household and the market.

### **José María Lozano Jiménez, ‘Palermo Facing a Hispanic Population: What kind of Foreigners Were They?’**

Set in sixteenth- and seventeenth-century Palermo, this study reconstructs how a composite monarchy could render Spaniards “recognisable foreigners” at the city level: despite being subjects of the same sovereign, they required Senate-ratified *cittadinanza* and integration through local institutions (national churches, confraternities, guilds, offices) before accessing civic privileges; in other words, belonging was locally adjudicated within the wider frame of the monarchy. Belonging was negotiated between municipal language and viceregal overlays. In law, *cittadinanza* remained the civic seal, classically tied to residence, property and family connection; medieval provisions had already opened accelerated paths – royal confirmations (1335) and *decreta civilitatis* (1346) – allowing admission through marriage to a Palermitan woman or through demonstrable intent and domicile (*animo habitandi et morandi*) after a year-and-a-day residence. Yet in early modern practice, recognition functioned as an exception rather than a right: the Senate’s ceremonial grants emphasised merits, reputation and the candidate’s capacity to ‘represent’ the city, making *cittadinanza* an indicator of integration attained *de facto* before its juridical approval.

Deliberation thus sat at the heart of civic inclusion. The Senate – praetor, jurors and a captain of justice – heard petitions and staged membership as a public judgment, while the viceroy’s power to nominate magistrates created a standing tension between local privilege and royal service. That tension surfaces in 1633, when a viceregal edict reserving retail in wine and fruit to citizens prompted the Senate to advocate higher taxes for *cives per privilegio*, arguing that too many had naturalised merely to exploit controlled prices; the dispute travelled to the Council of Italy,

where the need to distinguish ‘true’ from newly made citizens was rehearsed in metropolitan terms. In ordinary times, however, Spaniards crossed thresholds with comparative ease when their utility and honour were acceptable to the oligarchy.

Practice anchored these negotiations in corporate and devotional infrastructures. The ‘nations’ (notably the Catalans) sustained a lonja, the Church of Santa Eulalia and confraternal assets; Castilian foundations (Hospital of San Giacomo; the chapel of the Virgen de la Soledad) clustered near the viceregal palace, linking charity, discipline and patronage. Individuals condensed these institutional bridges: Pedro Hernández de la Rosaleda (Sergeant of Castello a Mare and Rector of Guadalupe) received *cittadinanza* in 1588; the Catalan merchant Gabriel Mas, treasurer of his nation, acted as *rettore mercadante* during the plague crisis of 1623–1624 – an office entrusted to the most reliable citizens. Even the classic quarantine vignette (twenty-eight days at Messina) underscores how health regimes re-inscribed foreigners through paperwork, stamps and time, without erasing dynastic solidarities.

Change over time appears not as rupture but as recalibration. Medieval openness to useful outsiders persisted, yet the early modern city nested its decisions within sovereign architectures: municipal council seals, viceregal nominations, metropolitan review, and health/bureaucratic standardisation. In this spectrum, Spaniards could be civilly outside and functionally inside – officers, soldiers, merchants – until scarcity, fiscal controversy or epidemic fear tightened the rules. The upshot is a co-produced status: law sets the thresholds; deliberation selects the entrants; practice (registers, chapels, offices, quarantines) renders those choices operative in daily life.

As such, Palermo offers a model of staged recognition in a composite monarchy – useful for reading the top-down integrations that follow. The next case, the admission and ennoblement of the de Surdis in Zadar, will shift the lens from civic seals to royal service, demonstrating how councils converted loyal outsiders into insiders when communal and regnal interests aligned.

### **Branka Grbavac, ‘The Integration of the Members of the De Surdis Family from Piacenza in the Fourteenth-Century Zadar Commune’**

Set in late fourteenth-century Dalmatia, Grbavac reconstructs the ascent of the Piacentine de Surdis family as a case of civic belonging forged at the hinge between communal councils and regnal power. The family arrived as royal office-holders in the Angevin Hungarian-Croatian orbit, as judicial and administrative specialists whose functions braided Zadar’s communal governance to strategies of the crown. Giovanni, Raphael and Galeazzo de Surdis served in high jurisdictions (*comes* of Zadar, judge of appeals for Dalmatia, *comes* of Šibenik), a portfolio that made them simultaneously ‘foreign’ by origin and indispensable by office.

The statutory language of belonging in Zadar – *nobilis civis* calibrated against domicile, oath and inscription – did not by itself convert such outsiders into insiders. Admission turned on deliberation. In 1372, the *Consilium rogatorum* and then the *Consilium generale* voted to receive the three de Surdis into the nobility, recording a civic judgment that service to the king and the commune’s advantage

– most notably the restoration of Pag to Zadar’s jurisdiction – warranted elevation. The act has the form of a municipal grace but the logic of a negotiated settlement: royal utility translated into urban trust through a public, minute-able decision of the Great Council.

Law here defines the thresholds; deliberation selects the climbers; practice cements the rung. The legal scaffolding comprises royal privileges and confirmations, oaths and entries into civic books, fiscal obligations and office-holding compatibilities. The councils’ vote – deliberated in the language of merit, usefulness and loyalty – authorised insertion into the city’s aristocratic body; the practical sequel was immediate: office-holding now read as representation from within, not administration from without. The path, however, remained contingent. Dynastic shocks, war, and episcopal politics could unsettle the newly acquired standing; precisely because membership was conferred *ad honorem et utilitatem*, it could be reconsidered when those terms shifted.

Grbavac clarifies how functions re-price alterity. The *de Surdis* did not seek status through the ordinary ranks (from *habitor* to *civis* to *nobilis civis*) but through royal service – jurisdiction, fiscal oversight, territorial management – where the city’s interest overlapped with the Crown’s. In this sense, theirs was a dual citizenship: at the kingdom level the family acted as instruments of integration across Dalmatia; at the communal level their nobility hinged on a council vote and ceremonial inscription. The two levels are not antagonistic but interlocking: sovereign credentials opened the door; communal deliberation decided whether and how far to let guests in.

In this late medieval setting, change appears to be a recalibration of longstanding rules rather than rupture. The communal language of membership persists, yet they are increasingly read within a wider political economy in which royal service generates claims convertible into civic honour. What shifts is not the form (oath, register, vote) but the weight accorded to service as a criterion of inclusion: foreigners of rank become ‘ours’ when they can be seen to advance the city’s jurisdictional and fiscal interests.

As a result, Grbavac’s case stands as a top-down template of integration by office and honour. It prepares the ground for the next study – Figueras i Gibert’s on the Terrassa wool-weavers’ guild – where belonging was not conferred by princely service but argued from below, inside a corporation that tinkers with electoral machinery (sortition, split ‘bags’) to manage the presence of foreign craftsmen within its own ranks.

### *Cluster 2: Corporations, Neighbourhoods, and Functional Citizenship*

#### **Jan Figueras i Gibert, ‘Deliberating on Foreignness: Migrant Integration and Deliberative Practices in a Catalan Craft Guild (ca. 1580–ca. 1600)’**

Set in the Catalan industrial small town of Terrassa at the turn of the sixteenth century, the author reads a guild minute book as a micro-polity where foreignness is argued, counted, and procedurally channelled. By the 1580s, French craftsmen were

numerous – whole streets bore their nicknames, municipal registers listed dozens of French households – and the weavers' corporation could neither ignore nor dissolve their presence. Instead, it made belonging a problem of institutional design.

The statutory language of membership distinguished masters from journeymen and, within both, Catalans from foreigners. For the period before 1587, sparse deliberation and clustered elections indicate a narrow oligarchy: consuls – the executive regulators – circulated within a compact network, while journeymen (many of them foreigners) remained structurally sidelined. The law did not yet inscribe exclusion; the practice delivered it. Reform came in 1586–87, when the guild introduced sortition and split electoral bags, apportioning offices between locals and foreigners, masters and journeymen. The innovation translates demographic pressure into rule: if 'they are many', representation is engineered. Yet the ceiling held: the consulate stayed in Catalan hands, foreign candidates lagged in elected posts, and attendance data at the new executive councils show persistent under-participation by foreign journeymen. Inclusion was designed, but it was also managed.

Crisis revealed the fragility of these gains. In 1596, during litigation against the wool manufacturers, the corporation abandoned its representative executive in favour of general councils presided by the consuls; journeymen effectively slipped out of the room. Three years later, adopting the Barcelonese weavers' statutes (1599) formally excluded journeymen from governance and re-centred power to the masters, while preserving separate Catalan and foreign bags and continuing to bar foreigners from the consulate. The last entry (1600) even debates whether a master labelled *gavaix* might claim 'Catalanness' to access privileges – an explicit acknowledgement that origin shadows office, and that status claims are adjudicated procedurally.

Reading through the triad of law, deliberation, and practice, Figueras demonstrates how threshold-setting (statutes and reforms) was inseparable from the theatre where numbers became rules (council debates, electoral machinery), and from the residue of everyday governance (attendance, fines, office ceilings) where the designed system actually 'bites'. Change over time is clear and non-linear: from pre-reform oligarchy to engineered sharing, then to codified rollback under metropolitan influence, the corporation calibrates a spectrum of conditional membership – keeping foreigners inside the guild's economic body while holding them short of prestige and executive power. The case also clarifies a broader urban logic: corporations could bestow a form of 'working citizenship' (shop access, reputational credit, collective defence), yet their constitutions set hard limits on political voice, especially for migrants.

As a result, Terrassa offers a precise hinge to the next contribution on foreigners in Barcelona. Where Figueras traces how a corporation tinkers with electoral form to discipline a foreign workforce, Ona Vila i Palacín follows migrants outside the guild, into the domain of family strategy – showing how marriages among foundlings mediated by the Hospital de la Santa Creu provided an alternative, legally viable path from outsider to neighbour in the same Catalan world.

### **Ona Vila i Palacín, ‘To Arrange a Marriage with a Foundling: French Immigrants Between Integration and Exclusion in Early Modern Barcelona (1532–1601)’**

In sixteenth-century Barcelona, where cross-border mobility bound the city to the French Midi, Vila i Palacín follows a striking pathway of incorporation: marriages between French immigrants and foundling girls raised by the Hospital de la Santa Creu. The notarial record – serial, formulaic, yet eloquent – reveals these unions as a routinised device that translated outsider presence into household formation and neighbourhood standing. Rather than an episodic charity, this is policy by practice: a patterned exchange in which modest dowries and limited kin capital are offset by a rapid, legally feasible entry into the city’s social fabric.

The legal background matters. Catalonia’s doctrine of *nativitat* or *natureza* and the broader Iberian semantics of *vecindad* made full civic belonging contingent, yet recognisably gradated through domicile, reputation and marriage. Mixed marriages did not *ipso facto* make Frenchmen Catalans; they did, however, render them ‘less foreign’ – softening suspicion linked to itinerancy and cross-confessional politics (especially in the tense decades of the French Wars of Religion). The hospital’s role was pivotal: as guardian and broker it could attach a dowry and supply witnesses, thereby converting a vulnerable ward into a socially eligible bride and the immigrant groom into a householding neighbour whose obligations (rent, parish dues, guild entry where applicable) could be enforced.

Occupationally, the profile of the grooms leans toward skilled and semi-skilled work in the secondary sector, often with demonstrable craft credentials. Vila suggests that this aspect may give the strategy its edge. Men with employable skills accepted a measure of downward social mobility – foregoing endogamous networks and substantial dowries – to accelerate incorporation. The relatively late average age at marriage among immigrants, coupled with the premium on ‘settling young’, explains why an open, supervised ‘foundling market’ shortened the time to a Catalan match and, with it, the path to recognised neighbourly standing.

Deliberation, here, is diffused rather than theatrical. No grand council scene dramatises admission; instead, institutions and communities decide incrementally. Municipal authorities tolerate and, in effect, endorse the pattern; the hospital’s governors standardise brokerage; parishes and notaries provide the registrational backbone; guilds – where relevant – recognise the new household as a unit of fiscal and reputational accountability. In this continuum, law sets the intelligibility conditions (who may marry whom, acceptable forms of consent and dowry, the evidentiary role of witnesses), while practice enacts them through predictable contractual formulae and enforceable obligations.

Change over time takes the form of consolidation. Across the long sixteenth century, Barcelona becomes better at turning migratory flux into potential residency without surrendering disciplinary tools: the hospital’s serial paperwork, parish surveillance, and the city’s steady demand for craft labour together make selective hospitality administrable. The result is neither assimilation by decree nor *laissez-faire* openness, but a managed corridor from ‘foreigner’ to ‘neighbour’, in which kinship is the hinge and institutional guardianship the guarantor.

Reading within the special double issue's arc, the article complements the corporate tinkering in Terrassa by showing a parallel, extra-corporate route to inclusion: where the guild calibrated representation by electoral machinery, the city and its hospital calibrated belonging by marriage and household formation. This shift from workshop to household prepares the ground for the next cases on markets and money – most immediately Katalin Prajda's Florentine banking corridor – where fiscal utility, privileges and leases will show how outsiders could become insiders through the movement of bullion, credit and essential goods.

**David Hazemali, Aleš Maver & Mateja Matjašič Friš, 'Newcomers in Maribor in the First Half of the Eighteenth Century in the Marriage Records of the Parish of St John the Baptist'**

This joint paper reconstructs how early-eighteenth-century Maribor, still recovering from the devastating plague epidemics of 1680–1682, converted outsiders into insiders through marriage, burgher rights, and guild incorporation, using 401 unions recorded in the town Parish of St John the Baptist. The evidence shows a town whose demographic and artisanal renewal depended to an important degree on migrants arriving largely from Inner Austrian duchies (Styria, especially from Graz, Bad Radkersburg, Leibnitz; Carinthia; Carniola), with additional streams from the Military Frontier, Vienna, Bavaria, Swabia and the Bohemian lands.

In legal-institutional terms, the pathway from *advena* to burgher often ran through marital alliance with established households, especially widows and daughters of guild masters. Marriage operated as a recognised gateway to *Bürgerrecht* and guild standing; registers frequently mark origins, occupations, and subsequent civic status, and the occupational profile of newcomers skews toward skilled trades (tailors, tanners and leatherworkers, bakers, bricklayers, carpenters), with merchants and a minority of military and administrative personnel also present. The practice dimension is granular: household formation via wedlock, succession to workshops following a master's death, and rapid insertion into corporate economies – patterns exemplified by the sculptor Joseph Straub's trajectory from Württemberg to Graz to Ljubljana and finally Maribor (1746), where marriage anchored his workshop and commissions.

Selective hospitality was calibrated by ecclesiastical and civic authorities rather than by a formal naturalisation statute alone. A rare mixed-confession marriage (1723) between a Lutheran groom from Stuttgart and a Catholic widow from Cologne was permitted under stringent conditions (children to be raised Catholic; no proselytising), illustrating how inclusion could be granted under rule-bound constraints and how the strict Habsburg confessional policy could be circumvented. In moments of demographic and economic pressure – the aftermath of the plague, labour shortages – barriers softened, (widows remarry, the purchase or easing of *Bürgerrecht*). Over the long eighteenth-century arc, the paper situates Maribor at the cusp of broader administrative consolidation:

municipal pathways of membership persist, yet mid-century reforms (e.g., Maria Theresa's 1752 *Kreis* or district seat) foreshadow layered, co-administered regimes in which town, parish, and sovereign offices co-produce belonging.

As a synthesis, Hazemali, Maver & Matjašič Friš demonstrate that early modern Maribor governed mobility less by fixed identities than by routinised access mechanisms – marriage, guild succession, and the acquisition of burgher rights (often by purchase)—documented in parish and civic books, enacted through workshop succession and market participation, and periodically tightened by confessional policy. The case complements the papers on the Mediterranean by offering an Inner Austrian variant of ‘useful outsiders’ who were officially on the outside yet economically on the inside until regularised. It therefore sets up a clear bridge from household- and guild-centred incorporation to the larger market and fiscal circuits traced in Prajda's paper.

*Cluster 3: Markets, Money, and Useful Foreigners*

**Katalin Prajda, ‘Banking Between Florence, Venice, Buda and Dalmatia in the Fourteenth Century’**

Against the backdrop of the War of Chioggia (1378–81) and its monetary aftershocks, Prajda traces a Florentine corridor – Florence-Buda-Dalmatia-Venice – in which foreigners became indispensable because they moved what polities most lacked: liquidity and metals. Businessmen clustered around Vieri di Cambio de' Medici operated on both sides of the Adriatic; drawing on contacts in Buda and in Dalmatian ports (notably Zadar and Senj), they channelled bullion and credit into Venice, sustaining the Rialto money market and the mint. What the article makes evident is that inclusion was not always linked to classic naturalisation; it also ran through function. As long as Florentines kept copper and silver flowing to the mint and extended credit to governments, they were fiscal insiders even if social outsiders.

The legal architecture channels this utility. Peace arrangements after 1381 delineated obligations and rights between Venice and the Hungarian Crown (rents, commercial conduits); royal monopolies and the tricesima on metal exports framed what could lawfully move; emergency bans on outflows alternated with contractual exceptions when recovery demanded them. Within those channels, *condotte*, concessions and public leases formalised the Florentines' role: a recognisable status that licensed buying ingots, financing salt or precious metal mining operations, and clearing papal decima through the same pipelines. None of this erased the mark of foreignness; it domesticated it into enforceable contracts.

Deliberation converted opportunity into access. Venetian senatorial committees decided who could lease fiscal rights and under what securities; on the Hungarian side, royal councils likely tied credit to chamber privileges; in Florence, the consultatory councils (*Consulte e Pratiche*) aiding the government,

weighed risk and reputation in backing fellow-merchants houses that would lend abroad but settle accounts at home. The decision logic is pragmatic and legible: solvency, reach, and timely delivery of bullion trumped nativeness. When risk rose – war scares, mint famine, diplomatic tension – permissions tightened; when provisioning became acute the same forums reopened the valve under stricter bonds and audits.

Practice shows how these decisions had real consequences in daily commerce. Business networks knit together royal chambers, Dalmatian entrepôts and the Venetian mint; Jewish money-changers appear as complementary liquidity providers where statutory ceilings or ecclesiastical constraints would otherwise choke circulation; brokers and factors – Tosighi, Carnesecchi, Portinari, Talenti – stitched republic and crown into a single operating circuit. In this mesh, Florentines inhabit a double status: maybe outsiders at first in civic terms, insiders on the balance sheet, their belonging measured by deliveries, discounts and deadlines rather than domicile or oath. Naturalisation likely occurred only later, as a consequence, or perhaps a reward, for their services, as happened with many Florentines and other Italians who obtained citizenship in Venice or were granted noble titles by the king. This passage is well-illustrated by Grbavac's case study.

Change, in Prajda's reading, is a recalibration rather than a rupture. Late-medieval municipal language remains in place, but sovereign overlays standardise fiscal paperwork and render foreign service eligible across jurisdictions. The spectrum shifts from binary labels to conditional membership: the banker is 'ours' while he solves a pressing matter of the crown – and only so long as he does. When bullion thins or politics pivot, the door narrows, and privileges lapse without the need for ideological exclusion.

Placed within the trajectory of the special double issue, the paper clarifies why markets and money could pull newcomers inward even where social belonging remains ambiguous. It also prepares the passage to the next case – Burra's Koper fair – where the same logic of selective hospitality is enacted not in trans-regional finance but on the ground: through licenses, tariffs, fast-track adjudication and precedent, turning mobile 'outsiders' into temporary insiders under the city's law in accelerated time.

### **Aleksandro Burra, 'The Rise and Fall of Koper's Fairs: From the Late Middle Ages to the Early Modern Period'**

Focused on the annual fair on the Feast of Saint Ursula in early modern Koper, Burra reconstructs an urban experiment in disciplined hospitality: for a few days each year the commune opened its market to mobile traders – foreigners in the strict juridical sense – under a compact of licenses, tariffs, and accelerated adjudication. The fair's normative scaffolding combined ducal confirmations with municipal by-laws that scripted routes of access, places of unloading, stall allocation, and the keeping of weights and measures; the *Libro della Fiera Franca* preserves decisions

that read less like episodic judgments than like precedents intended to regulate conduct. Hospitality here was not an ethos but a procedure.

Legally, inclusion rested on clear thresholds. Foreigners could sell in designated spaces, at specified hours, under standardised measures set out by the city; sensitive sectors – strategic victuals, price-controlled items, guild-protected crafts – were hedged by prohibitions or by conditions (fixed fees, bonds, sworn brokers). Violations (dishonest scales, clandestine retail, trespass into restricted zones) triggered seizures, monetary fines, and reputational penalties that followed traders across seasons. The fair thus translated municipal priorities – provisioning, price stability, spatial order – into a short, intense regime that temporarily suspended ordinary corporate barriers while keeping civic control intact.

Deliberation unfolded in real time and in public. Fair officials, wardens of measures, and appointed judges conducted cases on the spot, their rulings announced and recorded to ‘teach’ acceptable behaviour to a mixed population of locals and outsiders. The logic of decisions is consistent: utility is welcome, but only through visibly compliant channels; disputes are disposed of swiftly to prevent contagion – economic or social – before it spreads. In effect, the fair’s courtroom became a pedagogical theatre where the rules of being a ‘good foreigner’ were staged and reiterated.

Practice made these principles palpable. Guarded corridors directed flows to and from the gates and the harbour; inspections were brisk and routinised; temporary immunities shielded legitimate transactions from harassment while parallel prohibitions cordoned off areas where unvetted mobility posed heightened risk. Notaries and clerks provided the documentary skeleton – licenses, bonds, copies of verdicts – so that the same trader who transgressed city norms in one year might meet a raised bar the next. The result is a legible ecology of exchange in accelerated time: outsiders inside, but on a leash.

Change over time takes the form of consolidation and standardisation rather than dramatic rupture. The medieval language of market order – keeping scales honest, policing space – persists, yet early modern overlays sharpen classification and paperwork, making fair privileges, sanctions, and precedents increasingly portable across jurisdictions. In this calibrated spectrum, foreigners become insiders for the duration of an event, measured by compliance and contribution to provisioning, not by domicile or oath. When scarcity, unrest, or suspicion looms, the same instruments that enabled inclusion tightened swiftly, and the city reasserted its hard edges.

Placed within the special issue’s arc on ‘markets and money’, Burra’s Koper offers the ground-level counterpart to Prajda’s trans-regional finance: where bankers were fiscal insiders by function, traders at fairs were temporary insiders by licence. The next contribution shifts the register from marketplace to image – by Izidor Janžekovič on Ottoman and Muscovite dress – showing how visual codes, learned in classrooms and printshops, pre-structure urban receptions of foreigners before any clerk stamps a pass.

*Cluster 4: Images, Identities, Cultural Transfer***Izidor Janžekovič, ‘Early Modern Ottoman and Russian Clothing through Ethnic Stereotypes in Western and Central Europe’**

Janžekovič reads early modern Europe as a visual regime of recognition in which dress codified foreignness before encounter. Turban, kaftan and şalvar for the ‘Turk’, fur and beard for the ‘Muscovite’ formed a portable taxonomy that sorted bodies at a glance, naturalising distance and rehearsing inclusion or exclusion in advance. Even where norms shifted, imagery stuck: Peter I’s 1701 decree to ‘Europeanise’ Russian attire scarcely dented the Western cliché of a Russia swaddled in pelts – evidence that visual habits outlast reform. The corpus – costume books, Völkertafeln, school card games, atlases and encyclopaedias – functioned as a public pedagogy in which repetition hardened the line between ‘centre’ and ‘periphery’.

Law appears as a set of sumptuary and reform edicts that sought to steer clothing but could not erase stereotypes; these were reproduced in classrooms, printshops and map cabinets, where ‘deliberation’ occurred through looking and repetition rather than voting. In this sense, images acted as a form of soft law: a pre-structure of recognition that shaped expectations among officials and neighbours before any clerk opened a register. The gendered inflection is integral. Western European readings of Ottoman male trousers as ‘effeminate’ performed double work – exoticising a rival empire and feminising its men to stabilise its own hierarchies of virtue and power. In practice, such cues bled into diplomatic etiquette (selective adoption of local dress to reduce distance) and urban security protocols (police descriptions keyed to clothing), a kind of profiling *avant la lettre*.

The article also dissects semantic shortcuts: cartographic conventions that drag Muscovy visually toward ‘Asia’, or captions that fuse ‘Turk or Greek’ into a single Ottomanised type. These reductions were administratively useful insofar as they turned diversity into governable categories. Yet precisely there, spaces for translation emerged: where institutional interests overlapped (commerce, diplomacy), rigid stereotypes softened through pragmatic borrowings – adoptions of sartorial elements that increased mutual legibility and eased passage between cultural codes.

Across the sixteenth to early eighteenth centuries, imagery did not vanish; it standardised. Typological tables, atlases and handbooks consolidated a transregional repertoire that municipal authorities could then use in everyday judgments – from identifying foreigners to prescribing ‘appropriate’ comportment in trade or on the street. The law-deliberation-practice triad thus surfaces in a subtle register: law attempts (unevenly) to guide appearance; public deliberation through spectatorship builds consensus; practice operationalises those visual judgments in diplomatic gestures, market etiquette and policing.

Within the special issue’s arc, this contribution is the hinge between cultural representations and material regimes of inclusion. If images teach whom to regard at a distance, health regimes measure and stamp that distance: the paper by Víctor J. Jurado

Riba on plague in Barcelona demonstrates how the imagined ‘danger from outside’ translated into health passes, lazarettos and quarantines – that is, how visually learned foreignness became a bureaucratically managed border under epidemic conditions.

*Cluster 5: Health, Borders, Biopolitics*

**Víctor J. Jurado Riba, ‘Foreigners and the Prevention of the Plague in Early Modern Barcelona (1629–51)’**

Jurado Riba reconstructs Barcelona’s response to recurrent plague scares as a regime in which health became the language of belonging and foreignness a function of route, health pass, and quarantine duration. Between 1629 and 1651, whenever a plague threatened Barcelona, the city re-mapped itself into concentric perimeters – road and coastal checkpoints, fortified gates, a policed harbour – each with graded rules for people, goods and information. Mobility was never an essence; it was authorised, timed and recorded. Foreigners were neither embraced nor proscribed wholesale; they were filtered through health passes and quarantines of ten, twenty or forty days that turned inclusion into probation while keeping supply lines open.

The law set strict thresholds. Ordinances ranked passes as clean, suspect, or infected, attached corporal and penal sanctions to breaches, and empowered officers to seize contaminated goods, close lodgings, and divert vessels to lazarettos. When suspicion spiked, norms hardened into outright exclusion. In June 1630, the city suspended all commerce with France, barring French ships and crews even with ‘clean’ papers; later that year a panic order expelled all foreigners who had arrived in the previous two months within twenty-four hours on pain of death, and threatened innkeepers and household heads with exemplary punishment for hosting unregistered outsiders. The same legal vocabulary that kept the city provisioned could, at a turn, convert proximity into peril.

Deliberation translated uncertainty into policy. The Consell de Cent and the special Dotzena de morbo continually weighed provisioning against safety, determining when to open or close corridors, how long to quarantine specific groups, and what evidence to accept. Their calculus was practical rather than abstract: grain ships, timber carriers and essential craftsmen might receive controlled access; carnival traffic, itinerant sellers or uncredentialed servants did not. Debate did not abolish discretion; it regularised it.

Practice enforced the system. Watch posts at Montgat and Cap del Moll intercepted vessels; guards stamped passes, recorded names, ‘nations’ and even clothing, and fumigated letters with vinegar. Lazarettos and improvised quarantine houses formed a chain of buffers where crews and cargo could be held, cleansed or rerouted; registers and seals turned strangers into eligible subjects whom the city could admit, delay or eject with bureaucratic confidence. In effect, early modern ‘state borders’ crystallised as health borders: the foreigner was what a ledger said he had touched and how long he had waited.

The city learns to keep foreigners inside its economic body while holding them at controllable distances under epidemic duress.

Reading within the arc of the special issue, Barcelona's health regime is the administrative counterpart to the imagological 'soft law' of dress: where images taught whom to watch at a distance, the plague ordinances measured and stamped that distance in days and documents. This case also prepares the turn to gendered boundaries in Veronika Kos's contribution: just as health policy graded foreigners' admissibility by route and documentary proof, urban statutes graded women's legal agency through guardianship requirements and narrowly licensed spheres of action—two internal frontiers that show how early modern cities governed marked subjects within a single repertoire of rules, deliberation, and everyday enforcement.

*Cluster 6: Gendered Foreignness*

**Veronika Kos, 'Women, Foreigners in Their Own Urban Communities?: The Status of Women in Light of City Statutes'**

Reading across the statutes of the Venetian Koper, Izola, Piran and the inland Habsburg Ptuj, Kos reconstructs the gendered dimension of belonging, investigating how women often occupied a status adjacent to foreignness. The legal architecture is explicit: religious, domestic and juridical tutelage casts the husband as the wife's 'guardian and lord', narrowing her procedural and economic agency and creating an internal border that mirrors the constraints placed on outsiders who require intermediaries, licenses or sureties. Within this framework, belonging is graded and contingent; women are recognised as members of the civic body yet governed as if at its periphery.

The law defines the thresholds with precision. Statutory clauses tie women's contractual and litigation capacity to guardianship; property transactions and workshop management are permitted, but heavily conditioned by consent, the need for witnesses, and notarised form. The promise of parity in criminal law (the familiar *utriusque sexus*) is narrowed by practice: in matters of public order, 'improvised weapons', and bodily comportment, women are more tightly policed, a reflex of regulating the marked subject – here by gender rather than place of origin. Crucially, the statutes also open licensed niches. Ptuj's records are arresting: two dozen female salt vendors in 1376, fourteen in 1513, alongside wax vendors. These windows are real and recurrent, but they are exceptionalised and surveilled – enforced by guild by-laws, fines, and spatial rules that channel trade into approved stalls and hours.

Deliberation turns the script into governance. Guild chapters decide who may cross the line between household help and recognised participation in production; 'improper' crossings draw sanctions. Confraternities, which explicitly name 'brothers and sisters', supply a semi-inclusive infrastructure where women can accrue reputation, credit and mutual aid. Municipal councils

arbitrate conflicts over market access and workshop succession, weighing utility, conformity and honour. The decision logic mirrors that used for foreigners: case-by-case passage under watch, with corporate constitutions setting ceilings to voice and prestige.

Practice makes these gradations palpable in everyday life. Licenses, fees, recorded bonds, and the choreography of stalls and measures translate conditional inclusion into routines. Parish oversight and notarial form render women legible and accountable – household units in the fiscal map, yet still mediated through guardianship. The result is a ‘working citizenship’ that acknowledges function (provisioning, small retail, workshop continuity) while holding political voice at arm’s length.

Late medieval municipal language of gendered tutelage persist, but early modern overlays – more standardised paperwork, corporate statutes, and intensified market regulation – make women’s participation more visible and rule-bound. The comparison between Adriatic communes and Inner Austrian Ptuj is instructive: while coastal cities articulate niches within a dense market ecology (salt, fish, wax), Ptuj’s inland regime similarly licenses participation yet stresses tutelage and form, revealing convergent techniques for governing ‘internal outsiders’. In both settings, identity and cultural transfer operate at low altitude – through confraternal sociability, ritual presence, and reputational economies – without dissolving the juridical edge.

Situated within the volume’s arc of addressed changes (1400–1800), Kos demonstrates how attitudes shifted from blanket suspicion to calibrated inclusion, how integration policies worked through neighbourhoods and corporations, and how values of hospitality were translated into enforceable rules.

*Cluster 7: Margins as Foreigners – Exile, Bandits, Vagrants, Smugglers*

**Claudio Povoło, ‘The Outlaw and the Comet of 1618’**

Povoło’s paper on Giuseppe (Iseppo) Rossetti reconstructs how early modern law could manufacture an ‘internal foreigner’ out of a native subject. The bando of 1613 – banishment ‘from the whole state on pain of death’ – did more than expel a man from streets and parish; it stripped him of juridical protection and rendered him free to be killed with impunity if found in the territory from which he had been expelled. Family documents register how private law bowed to public exclusion: Rossetti’s grandfather altered his will to liquidate assets in support of a grandson cast beyond the civic and legal pales. In the statutory language of belonging, bando operated as anti-civitas: the negation of oath, domicile and protection tied to membership.

Deliberation sits in the interstices of this severe regime. Rectors, the Council of Ten and special boards evaluated petitions, calibrated penalties and, crucially, created paths of conditional return. The wartime measure *Deputati alla liberazione dei banditi* (1615–17) turned the outlaw into an instrument of state:

‘serve and be released’. Rossetti applied in July 1616; his ban was suspended and lifted by March 1619 – an exemplary case of reversible exclusion where *raison d’État* temporarily trumped the legal diagnosis inscribed by judicial sentence. The same authorities that authored civic death staged civic rebirth.

Practice shows the street-level choreography of inclusion and exclusion. After re-entry, Rossetti moved in a world of revenge cycles (1619–22) that contemporary reports read either as factional hireling work or as self-authored provocations born of feuds over honour. The Molinello ambush (February 7 or 8, 1623) is the key tableau: Marquis Giulio Rangoni lured Rossetti with a forged friendly letter; a squad fired from a fortified house; one companion died, others were captured, Rossetti escaped wounded. The sources note that Rangoni acted with a ‘large company of bandits’, under institutional legitimation. State power thus borrowed outlaw muscle to neutralise an outlaw, blurring the line between public coercion and private violence. Rossetti answered in print, circulating a manifesto that staged his honour against constabulary treachery – an appeal to the same urban public that adjudicated reputation in peacetime markets and councils.

Change over time is not a passage from cruelty to clemency, but a recalibration of tools. The medieval repertoire – outlawry, confiscation, and impunity for killing (lawful killing of an outlaw without penalty) – survives into the seventeenth century; what changes is the modularity with which sovereign and municipal forums suspend or re-activate these tools according to military need, fiscal calculus or political risk. In peacetime, bando performs social closure and deterrence; under pressure, it becomes negotiable currency, redeemable by service. The result is a spectrum of conditional membership administered by interoperable techniques: edicts and warrants, cordons and raids, petitions and printed manifestos. The law sets the thresholds; deliberation resets them; practice – patrols, arrests, escorts, postings of ordinances – ensures their enforcement.

Placed within the architecture of the special issue, Povoło’s study completes the arc from external to internal foreignness. Where earlier contributions traced graded inclusion of newcomers (statutes, *cittadinanza*, guild reforms, marriage brokerage, market licenses, health passes) and the imagological ‘soft law’ of perception, this case shows the inverse operation: the city’s power to expatriate one of its own and then selectively readmit him for reasons of state. As we move to the editorial synthesis, Rossetti’s file sharpens the concluding claim: early modern governance did not replace municipal discretion so much as standardise a repertoire – oaths and bando, licenses and *condotte*, registers and seals – through which cities and states together governed foreignness, at the borders and at home. Indeed, as sometimes happened with so-called ‘social bandits’, those who survived permanent expulsion could fashion a new identity (and patria) in the service of another sovereign: after the Molinello ambush, Giuseppe Rossetti fled to Mantua, entered Gonzaga’s service, and received command of one hundred cavalry.

### Žiga Oman, 'From Neighbour to Outsider: Banishment in Early Modern Ljubljana'

Placed after Povoło's Terraferma vignette, Oman's paper shifts the lens to Habsburg Ljubljana (1521–1677), showing how banishment functioned not only as an extraordinary weapon of *raison d'état* but as a routine municipal institution for turning neighbours into outsiders. Where Vicenza dramatised reversible civic death, Ljubljana's town council normalised calibrated removal, staging exclusion as a public lesson in order.

The juridical language is clear even without a statute known to coastal cities: the town's own criminal order, *Deren von Laibach Malefitzfreyhaittn*, supplied templates alongside the Imperial *Carolina*. Sentences layered cumulative penalties—fines; the stocks; birching processions from the town house to town gates; occasional mutilation—and then removal from the town peace and or 'from all Archducal lands'. The effect is a civic unmaking: the banished lose protection, trades, and parish anchoring, and are rendered juridically outsiders even when geographically near.

Deliberation is heavily documented. The town council hears denunciations, weighs the testimony of neighbours, princely and clerical intercession, and times the expulsion – often a three-day deadline on pain of escorted removal. Petitions could commute or suspend punishment. In this theatre of discipline, the city instructs: from stocks to gate, punishment writes borders into bodies and streets.

The offence profile is recognisably Central European – theft and handling stolen goods predominant; sexual morality (adultery, fornication, pimping, bigamy) next; then defiance of officers or guild discipline, with episodic violence. What shifts across the long sixteenth and seventeenth centuries is the tightening of moral policing under Reformation and Counter-Reformation auspices: women form an increasing share among the banished for sexual offences, marking gender as an internal frontier of belonging. Peaks in 1600–15 and 1634–36 correlate with health and subsistence anxieties that also hardened thresholds for itinerants – badges for beggars, collective removals from sensitive spaces. The vocabulary and ritual of expulsion were standardised: fixed-mile radii; multi-year bans.

Reading through the law-deliberation-practice triad, Ljubljana exemplifies co-produced status. Law supplied scalable repertoires – Imperial and local criminal orders. Deliberation in the council translated uncertainty into calibrated sentences, including clemency and return routes via petition and oath. Practice rendered decisions operative—through registers, a standardised administrative vocabulary, penal choreography, and judicial traces that rendered the excluded legible to officers and neighbours. Exclusion was neither destiny nor mere spectacle; it was a governable condition that could be suspended, extended, or redeemed.

Change over time is thus not rupture but consolidation and standardisation. Penal tools—outlawry, confiscation, impunity for killing outlaws—loom in the background, yet early modern municipal governance long continues the milder medieval, proce-

duralised banishment that can be widened (radius), deepened (duration), or softened (commutation) according to provisioning, moral order, and epidemiological risk. In Povoło's Vicenza, bando could be reversed for war service; in Oman's Ljubljana, the same logic appears administratively: calibrated terms, staged rituals, and monitored returns. The result is a spectrum of conditional membership in which urban discretion persists but is read within wider Habsburg legal architectures.

Situated in Cluster 7, Oman's case completes the turn from external to internal foreignness. It shows how a Central European town produced outsiders from its own body politic – by decree and public ritual – thereby complementing Mediterranean precedents and underscoring the special issue's larger claim: early modern Europe governed mobility and belonging less by fixed identities than by adjustable thresholds, negotiated in the councils and enacted in the street.

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## APPENDIX

### Methodological Note: LLM-assisted, prompt-guided analysis<sup>4</sup>

The following dossier combines a close reading of primary/secondary sources with a prompt-guided analytic workflow supported by a large language model (OpenAI ChatGPT, model **GPT-5 Thinking**). The objective was not to outsource interpretation, but to standardise how each article is read through the shared triad of law, deliberation and practice, and to make temporal change explicit in a comparable, source-aware prose. Placed within the comparative frame of the introduction, this method operationalises the move from predominantly municipal grammars to co-administered regimes of inclusion and exclusion across cases, while remaining anchored in concrete institutional procedures (oaths, registers, licenses, quarantines, *bando*).

#### *Transparency and reproducibility*

- **Model and access:** OpenAI ChatGPT, **GPT-5 Thinking**; ChatGPT application interface; access dates correspond to the drafting windows indicated in the editorial log (Aug–Oct 2025).
- **Key settings:** deterministic drafting was prioritised; low-variance decoding (temperature  $\approx 0.2$ , top\_p = 1.0) was used to limit paraphrastic drift; max\_tokens = 2048.
- **Prompt architecture:** a single synthesis prompt (below) enforced: (a) statement of period, geography, core problem; (b) analysis through the law–deliberation–practice triad (without headings); (c) explicit treatment of **change**;

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<sup>4</sup> *Acknowledgments:* The author acknowledges the assistance of OpenAI's ChatGPT (model **GPT-5 Thinking**) for language refinement and prompt-guided drafting. All interpretations, selections, and conclusions are solely the author's responsibility.

- (d) concrete claims only where evidenced; (e) an obligatory bridge to the next article to preserve argumentative flow.
- **Workflow:** (1) human outline and key terms per article; (2) LLM draft to ≤500 words with enforced constraints; (3) human adjudication against sources; (4) limited redrafting where claims lacked textual warrant; (5) editorial harmonisation of terminology and bridges.
  - **Prompt log:** a timestamped, machine-readable **prompt log** (model, parameters, prompt versions, draft timestamps, editor notes) is provided in the Supplement (CSV/JSON). Inputs are referenced by anonymised IDs/hashtags; no personal data are included.

### *Human oversight and editorial control*

All LLM outputs were strictly advisory. The author defined the analytical framework, selected sources, and verified every factual and interpretive claim. Draft vignettes served as constrained prose scaffolds; **no LLM text was accepted without human verification** against statutes, council minutes, guild records, lazaretto files, notarial acts, and relevant secondary literature. **As an additional safeguard, each contributing author reviewed the Introduction and the vignette presenting their article** and was invited to confirm accuracy or suggest amendments; their corrections (terminology alignment, factual refinements, minor stylistic changes) were incorporated prior to finalisation. Final wording, argumentative sequencing, and inter-article bridges are the result of human editing. Interpretations and conclusions remain solely the authors' responsibility.

### *Compliance and limitations*

Use of generative AI complies with the journal's guidance: no personal or sensitive data were processed; sources are cited; copyrighted material is quoted only within fair-use limits. Because large models can be stylistically fluent yet factually brittle, we mitigated risks via: (i) low-variance decoding; (ii) prompts that forbid conjecture and require concrete fora, dates, and procedures; (iii) human adjudication of every draft against primary/secondary sources; and (iv) version pinning in the timestamped prompt log (Supplement). Results may vary with future model updates; the published text reflects human-verified outputs only.

### *Data protection and ethics*

Primary excerpts were paraphrased rather than bulk-reproduced; input passages are anonymised by ID/hash. The method is descriptive–analytical; interpretive responsibility lies with the editors–authors.

*The synthesis prompt (final version used)*<sup>5</sup>

Essay-Only Analysis Prompt (≤500 words, academic register)

Input you provide (for header only):

- Authors & title; period; place(s).

**Task for the model (single continuous essay, no bullets):** Write a tightly argued vignette (≤500 words) that (a) **states period, geography, and core problem** in the opening sentence, (b) analyses the article through the **Law–Deliberation–Practice** triad *without labels*, and (c) makes **changes over time** explicit, all in a sober academic style, with **concrete claims grounded in the text** (no conjecture).

**Mandatory content to integrate—within flowing prose, not as a list:**

1. **Legal status & communal attitude:** *Define the status architecture relevant to the case (e.g., civis, vicinus, habitator; cittadinanza; vecindad/natureza), the entry conditions (oath, domicile, surety, registration, house-building), and the rights/limits (property, retail, office; special Jewish tracks—oaths, finance—if applicable).*
2. **Inclusion vs. exclusion (legislation):** *Show how statutes/ordinances/privileges calibrated selective hospitality (licenses, exemptions, bans, quotas, tariffs; fair rules; lazaretti, quarantines; bando), and when/why they tightened or relaxed.*
3. **Origins & motives (if evidenced):** *Where newcomers came from and why (skills/capital, trade networks, confession, war, provisioning), including support infrastructures (nations, confraternities, hospitals, guilds).*
4. **Predominant roles:** *Specify the functional positions of foreigners (crafts, finance, provisioning, offices, military)—i.e., cases where they were “civilly outside, fiscally inside.”*
5. **Deliberative practices:** *Identify the fora (Great Councils, Consell de Cent, guild chapters, senates, special boards) and decision logics (utility, reputation, compliance), noting procedural innovations (sortition, split “bags,” fair fast-tracks) and at least one concrete deliberative moment (vote, ruling, admission).*
6. **Addressed changes in attitudes (1400–1800):** *Make temporal change explicit by situating the article in the broader shift from medieval municipal grammars to co-jurisdiction with centralising authorities. Where relevant, articulate:*

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5 **Prompt log and reproducibility.** This supplement contains the prompt log (CSV/JSON) with model (GPT-5 Thinking), access dates, decoding parameters, exact synthesis prompt (final), prompt iterations, draft timestamps, and editor adjudication notes. A worked example (input excerpt → prompt → raw output → human adjudication → final vignette) is included to enable end-to-end replication.

- changing **definitions of foreignness** and the customs/laws/deliberations that include/exclude;
- **economic, cultural, demographic, political** importance and types of mobility;
- **immigration policies** and attitudes to integration/assimilation;
- **identity change & cultural transfer**;
- **categories/status** of foreigners and relations with natives under shifting socio-political conditions;
- attitudes between **newcomers and old populace**;
- **integration policies** (from foreigner to neighbour/citizen; neighbourhoods);
- **values of hospitality**;
- **support networks** (religious orders, confraternities, hospitals, guilds);
- **health regimes** (quarantines; epidemic borders);
- **gendered dimensions**;
- **marginality as foreignness** (exiles, bandits, vagrants, smugglers).

Only discuss those elements that the article **actually evidences**.

7. **Practice (everyday enactment)**: Show how rules and decisions “**bite**” in **daily life** (registers, seals, licenses, *condotte*; inspections, policing, notarial routines; fair justice).

**Closing sentence (obligatory bridge)**:

Conclude with a **clear, non-speculative bridge** toward the next article in our sequence (insert its author/title), indicating in one sentence how this case **prepares** the ground for the next piece (e.g., from statutory grammars to guild deliberation; from municipal status to senatorial *cittadinanza*; from markets to health borders).

**Style constraints**:

- Academic, source-aware, **no italics**; use the article’s own legal terms where present.
- Prefer precise nouns and verbs over hedging; avoid speculative generalities.
- Dates, bodies, and procedures should be **concretised** when available.

**Important**: If a category above is **not evidenced** in the article, **omit it**—do not force it.

## CONCLUSIONS

Read together, the Introduction and the thirteen studies organised in seven clusters map out the long transformation of how European states, cities and towns defined and governed foreigners between ca. 1400 and ca. 1800. Late-medieval communes crafted a municipal language of belonging – *habitor* → *vicinus* → *civis* – anchored in oath, domicile, surety and spatial obligations. Early modern polities did not abolish this ladder; they overlaid it with higher-council seals, princely concessions, guild constitutions, health magistracies, and an expanding apparatus of documentary governance—standardised registers, licenses, passports and health passes, stamped permits and inventories—whose bureaucratisation and diffusion were a distinctive novelty of the early modern period. The result is not a linear march from hospitality to hostility, but a shift from binary labels to conditional, reversible memberships administered jointly by councils and central authorities.

Across our Mediterranean and near-Mediterranean cases (including visual regimes of Ottoman and ‘Muscovite’ Europe), the same repertoire recurs with local inflection. Markets and money pulled useful outsiders inward: bankers, traders, skilled artisans became insiders fiscally or functionally long before they were citizens. Corporate life engineered ‘working citizenship’ through electoral reforms and office quotas, but kept prestige ceilings in place. Marriage – most strikingly elaborated here with the Barcelona foundling corridor – converted alterity into kinship and neighbourhood standing, a quiet policy by practice. Jews moved along distinct juridical tracks (special oaths, contract-bound finance): recognised for utility, held at a formal distance. Gender sharpened an internal frontier: women were legally insiders yet often governed like useful outsiders (being outside the dominant gender) – licensed niches under guardianship and corporate surveillance. Epidemic regimes translated imagined dangers of ‘outside’ into graded borders (passes, lazarettos, timelines), while *bando* manufactured outsiders at home – statuses that local authorities and sovereigns could suspend or redeem for reasons of community or state.

The dossier’s final arc reframes exclusion as a governable condition. Vicenza’s file on Rossetti anatomises *bando* as civic unmaking and, in wartime, reversible currency (‘serve and be released’); Ljubljana’s exhibits the Central European routinisation of banishment by municipal due process – sentences layered with shaming rituals, fixed-mile radii, multi-year terms, and monitored returns. Placed side by side, the two cases show sovereign and urban forums using interoperable tools (oaths, edicts, warrants, petitions,) to manufacture, suspend, and re-activate distance inside the body politic.

What changed is visible on three planes. First, definition: ‘foreignness’ moved from an overwhelmingly territorial label to include a situational status produced by function (credit, craft, provisioning), documentation (oaths, seals, health passes) and reputation (utility, honour). Second, forum: decision-making

migrated from single communal arenas to nested architectures – Great Councils beside senates, viceregal chambers, health boards – where calibration replaced blanket rules. Third, instrumentation: interoperable tools (registers, standardised forms, guild ‘bags’, quarantine categories, *condotte* and contracts) rendered strangers known and governable across jurisdictions. These are the mechanisms through which centralising states did not replace urban discretion so much as standardise the repertoire by which cities and sovereigns co-produced inclusion and exclusion.

Methodologically, the case-study lens allows micro-procedures (how one swears an oath, marries, votes, measures, petitions) to register macro-level change: the shift from predominantly municipal regimes of belonging to early modern, co-administered regimes in which municipal forums and central authorities jointly determined inclusion and exclusion. In this respect, the findings corroborate Foucault’s thesis about the stratification (or sedimentation) of practices and discourses over time—famously articulated in *L’archéologie du savoir* (Foucault, 1969) and revisited in his 1971 dialogue with Chomsky – rather than any appeal to a fixed human nature.<sup>6</sup>

The originality of this special double issue also lies in its law-deliberation-practice optic: whereas most studies have privileged law as an interpretative key, our reconstruction restores deliberative arenas and practice to analytical visibility – countering the persistent modern myth that, prior to bourgeois dominance, urban life was an undifferentiated field of chaos and violence rather than a densely governed space of negotiated order.

Comparative placement (Adriatic communes vs Catalan towns; composite monarchies vs republics; littoral vs inland) shows convergence: where provisioning needs, fiscal constraints, or labour shortages were acute, access widened in regulated or graduated ways – via licences, leases, marriage, office – whereas in contexts of scarcity, epidemic risk, or factional conflict, access contracted, often rapidly. Mobility was thus governed less by fixed identities than by differentiated access regimes that treated foreigners – external and internal – as conditional members whose proximity could be formally authorised, documented, and enforced.

In addition, the collection combines a micro-historical perspective with a *longue durée* framework. Case studies facilitate the close analysis of institutional practice and deliberation, while the longer temporal arc permits the observation of quantitative economic and demographic indicators diachronically (across time) and synchronically (across regions at comparable moments). This dual approach

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6 In the well-known TV interview on Human Nature (Netherlands, 1971), Noam Chomsky emphasised human creativity, universal grammatical structures, and moral principles in explaining individual and social processes; Michel Foucault stressed historically contingent formations of knowledge and power and the ‘layering’ of practices and discourses that accumulate over time to produce distinct regimes of truth. The recording and transcripts are publicly accessible (Videoposnetki Bing; cf. Human Nature: Justice versus Power; Chomsky–Foucault debate - Wikipedia; last access: 25-05-2025).

clarifies both local mechanisms and broader trajectories: it shows how procedural tools (oaths, registers, guild constitutions, health passes, *bando*) accumulated and were standardised across jurisdictions, and how shifts in political economy or risk environments affected the scope of membership and the terms on which foreigners could be admitted, delayed, or expelled.

Across these cases, ‘change’ appears less as rupture than as consolidation and standardisation. Communal discretion persists, but it is increasingly nested in sovereign architectures that supply uniform categories, paperwork, and sanctions. Motives for mobility – provisioning, credit, skilled labour, marriage, devotion, war, plague – meet institutional repertoires that translate them into calibrated hospitality. Support networks (confraternities, hospitals, ‘nations’, guilds) mediate passage; emergencies (scarcity, epidemic, faction) harden edges. The comparative breadth – from Dalmatia to Sicily and Catalonia, from Adriatic communes to Inner Austrian Ljubljana, with an iconographic detour toward Ottoman and ‘Muscovite’ Europe – anchors the claim: early modern Europe did not simply turn more hostile or more welcoming; it learned to manage foreignness with interoperable procedures, shared across city and state, that made inclusion and exclusion reversible, documentable, and, above all, debatable. In that sense, law scripts the thresholds, deliberation selects the entrants (or the expelled), and practice – at the gate, market, workshop, parish, and court – translates those choices into everyday administrative routines.

As regards the use of ChatGPT, our prompt-guided LLM workflow with human verification yielded results that were surprisingly accurate and interpretively sound. The vast majority of authors detected no semantic errors and offered no corrections—in fact, most praised the interpretations. Only two raised concerns, chiefly about unusual terminology (e.g., “statutory grammar(s)” and “bite”); I replaced the former with “language” and the latter with semantically precise verbs such as “renders/ensures,” etc. A few additional minor comments were incorporated, and a light language review was performed, without major changes to sentence structure. In my assessment, ChatGPT-5 is markedly more capable than ChatGPT-3.5 or ChatGPT-4 (cf. Hazemali & al., 2024); it supports practically open-ended exchanges with minimal hallucination, is more steerable toward a well-defined domain, and—especially in a closed workspace such as the one used for this analysis and interpretation of the next thirteen articles in *Acta Histriae*—delivers stable, high-quality outputs.

SOOČANJE S TUJCI V MESTIH ZGODNJENOVOVEŠKE EVROPE:  
ZAKONODAJA, DELIBERACIJA, PRAKSA – UVODNIK ZA DVOJNI  
POSEBNI ŠTEVILKI

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**POVZETEK**

*Uvodnik predstavi dvojni posebni številki Acta Histriae s trinajstimi prispevki o tujcih v evropskih mestih med približno letoma 1400 in 1800. Izhodišče je projektni predlog z analitično triado: pravo – deliberacija – praksa, ki omogoča primerljivo obravnavo vključevanja in izključevanja prišlekov v različnih pravno-političnih okoljih. Posebno pozornost namenjamo spreminjanju definicij »tujca« in prehodu od pretežno komunskih ureditev k zgodnjenovoveškim so-jurisdikcijam, kjer so se odločitve o pripadnosti oblikovale med mestnimi sveti in višjimi državnimi telesi. Viri razkrivajo natančne mehanizme selektivnega gostoljubja: statusne lestvice (habitor–vicinus–civis), cehovska pravila, licenčne in davčne režime, zdravniško-policijske ukrepe (karantene, zdravstvene listine) ter skrajne sankcije (izgon). Primeri pokažejo tudi funkcionalne vloge tujcev v mestnih gospodarstvih, prenos identitet in kulturnih vzorcev ter zaostrovanje nadzora v kriznih razmerah (vojna, epidemija). Za primerljivost skozi raznolike arhive in regije smo vsako študijo povzeli v kratko vinjeto po vnaprej določeni shemi; pri tem smo uporabili transparenten, s prompti voden postopek z velikim jezikovnim modelom (LLM), ob dosledni človeški verifikaciji virov, terminologije in sklepanj. Vinjete vodijo bralca skozi tematske sklope ter pripravljajo okvir za poglobljeno branje posameznih prispevkov.*

*Ključne besede: tujci in tujstvo, zgodnjenovoveška Evropa, meščanstvo in status, pravo–deliberacija–praksa, vključevanje in izključevanje, mestni statuti in sveti, zdravstveni režimi in karantena*

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FOREIGNERS IN THE STATUTES OF TRIESTE, MUGGIA, KOPER,  
IZOLA AND PIRAN: FROM THE HIGH MIDDLE AGES TO THE  
EARLY MODERN PERIOD

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*ABSTRACT*

*This article examines the status of foreigners in the northern Istrian towns of Trieste, Muggia, Koper, Izola and Piran on the basis of municipal legal codes (statutes) from the Middle Ages to the eighteenth century. The towns regarded foreigners – non-locals – with a degree of suspicion, both in terms of the potential physical threat they might have posed and with regard to economic protectionism. However, the towns did not entirely reject foreigners outright; rather, in line with their own interests, they admitted foreign settlers into their communities, granting them the status of (new) residents or citizens.*

*Keywords: medieval town statutes, foreigners, clergy, Jews, settlers, vicini*

GLI STRANIERI NEGLI STATUTI DI TRIESTE, MUGGIA, CAPODISTRIA,  
ISOLA E PIRANO: DALL'ALTO MEDIOEVO ALL'ETÀ MODERNA

*SINTESI*

*Questo articolo esamina lo status degli stranieri nelle città dell'Istria settentrionale – Trieste, Muggia, Capodistria, Isola e Pirano – sulla base dei codici giuridici municipali (statuti) dal Medioevo fino al diciottesimo secolo. Le città guardavano gli stranieri – i non locali – con un certo sospetto, sia per la potenziale minaccia fisica che questi potevano rappresentare, sia per ragioni di protezionismo economico. Tuttavia, le città non respingevano completamente gli stranieri; al contrario, in linea con i propri interessi, ammettevano coloni stranieri nelle loro comunità, concedendo loro lo status di (nuovi) residenti o cittadini.*

*Parole chiave: statuti cittadini medievali, stranieri, clero, ebrei, coloni, vicini*

THE SOURCES<sup>1</sup>

Mediterranean urban settlements, which fully developed in the High Middle Ages, regulated their lives with legal acts – statutes (Sbriccoli, 1969; Chittolini, 1991; Storti Storchi, 1991; Ascheri, 2000; 2010). These developed from the end of the twelfth century and in the process of establishing urban self-government, urban authorities upgraded older customary and Roman law (Kambič, 2005). They prescribed the conduct and behaviour of their residents – both locals and foreigners – and introduced punishment for failure to comply with their provisions, addressing urban administration, economy, public life and order, criminal law, family law, etc. With their regulations and punishments for violators, urban magistrates tried to maintain order in everyday life practice. Due to changing social, economic and political circumstances, amendments were added to the statutes, and occasionally they were completely revised.

Following the example of the Mediterranean cities, Trieste/Trst, Muggia/Milje, Koper/Capodistria, Izola/Isola and Piran/Pirano, like most other Istrian cities and towns, had their own statutes. All of them mention foreigners, thereby primarily meaning all non-natives. Not only newcomers from more distant destinations, but also residents of neighbouring cities had the status of foreigners. The clergy lived in the cities, but city law did not generally apply to it. An important urban ethnic-religious category with its own law were the Jews, and the statutes also treat several marginal groups as special: the helpless, the sick, vagrants, etc. (Bottin & Calabi, 1999; Porfyriou, 2014; Petti Balbi, 2001; Rubin, 2020; Benyovsky & Pešorda, 2020; Mihelič, 2020; Janeković-Römer, 1993; 2005).

In terms of their origin, the oldest statutes of the herein discussed towns were those of the two bishoprics, Trieste and Koper, while those of Piran, Muggia and Izola were younger. The oldest preserved example is a fragment of the Piran statutes from 1274 and its integral codex from 1307, while the first fully preserved Trieste statutes are from 1319<sup>2</sup> (STTS 1), followed by the statutes of Muggia from the fourteenth century, of Izola from 1360 and of Koper from 1423 (Darovec, 2023). After 1382, and the city's transfer under Habsburg rule, the statutes of Trieste were aligned with their needs and demands, while the statutes of the Istrian cities that came under the Venetian rule were adapted to the norms of the *Serenissima*.

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- 1 This paper is the result of research carried out in the project J6-4603 *Facing Foreigners Between the Medieval and Early Modern Period in the North Adriatic Towns*, funded by the Slovenian Research and Innovation Agency (ARIS) in 2022–25, and the research programme P6-0435 *Practices of Conflict Resolution Between Customary and Statutory Law in the Area of Today's Slovenia and Its Neighbouring Lands*, funded by ARIS in 2022–27.
  - 2 Although the title bears the year 1150, the Count of Gorizia-Tyrol is mentioned as the Podestà of Trieste. Count Meinhard II of Gorizia inherited the South Tyrolean territories only in 1253, so the statutes are clearly of a later date. The first dated edition is said to be from 1319 (Szombathely, 1935, V, LVII).

The research involved the published statutes of: Piran from the thirteenth to the seventeenth century (STPI),<sup>3</sup> Izola from the fourteenth to the eighteenth century (STIZ),<sup>4</sup> Muggia from the fourteenth century (STMU 1) and from 1420 (STMU 2), Trieste from 1350 (STTS 2) prior to Habsburg rule (1382) and Habsburg Trieste from 1421 with later additions (STTS 3), and finally Venetian Koper from 1423 (STKP). For comparison, this paper also draws on the statutes of the Istrian cities of Umag/Umago (STUM), Novigrad/Cittanova (STNG), Buje/Buie (STBU), Grožnjan/Grisignana (STGR), Oprtalj/Portole (STOP), Motovun/Montona (STMO), Buzet/Pinguente (STBZ), Poreč/Parenzo (STPO), Rovinj/Rovigno (STRO), Sv. Lovreč/San Lorenzo (STSL), Dvigrad/Ducecastelli (STDV),<sup>5</sup> Bale/Valle (STBA), Vodnjan/Dignano (STVO), Pula/Pola (STPU), Labin/Albona (STLA).<sup>6</sup>

### THE NOTION OF FOREIGNERS IN THE STATUTES

In the analysed statutes foreigners<sup>7</sup> are referred to as the antipodes of locals (*ter(r)igena, intrinsecus, persona terriera*). These were categorised as citizens (*civis, concivis, citadinus*), new settlers with settlement rights (*vicinus*,<sup>8</sup> *convicinus, vicina*) or the inhabitants (*habitor*) of the settlement and its area. The latter included the inhabitants of the surrounding area (*districtuales*), the country people (*paysani*), both urban and private (*comunis vel divisi*) farmers (*rustici*), villagers (*vilani*), farm tenants (*massarii*) and residents of agricultural estates (*cortesani*).

People of foreign origin appear in statutes in phrases that demonstrate that the stipulation applies to everyone: to persons of both sexes, to both locals and foreigners, but also in a negative sense, that the stipulation applies only to locals (but not to foreigners). In several provisions, foreigners are addressed explicitly, with the emphasis that they are not natives (*terriena*). A foreigner is sometimes hidden behind the ambiguous adjective *alienus, alter(ius)*, which can mean non-local or belonging to another. The examined statutes mention foreigners with the general terms (*forensis, forestiero*,<sup>9</sup> *extraneus*,<sup>10</sup> *extrinsecus forensis; persona extranea, extrinseca, forensis; extra terram, alibi habitans; civis alterius terre vel loci; advena*) or by their specific origin: from which of the neighbouring cities

3 An older publication of the statutes, which does not include the last integral redaction of the statutes from 1384, is De Franceschi (1960).

4 The older publication is Morteani (1888; 1889).

5 Dvigrad was abandoned in the eighteenth century. There is a new edition of its statutes (STDVa).

6 In references, Arabic numerals indicate the article number; in statutes divided into books, these are marked with Roman numerals followed by a slash and then the article number in the book. In quotations from the Piran statutes (STPI), Arabic numerals indicate the page number in the publication.

7 Cf. Ascheri (1988), Kim (2000), Cecchi (1996), Stranieri (1996), Cvitanić (1986), Radić & Ratković (2005).

8 *Vicinus*, i.e. *loci incola, civis*, a resident/inhabitant of a place, a citizen (Kostrenčič, 1978, 1255–1256), or *habitant de la ville, du pays*, a resident of a city, country (Blaise, 1975, 956).

9 The statutes of other Istrian towns also use terms: *forrensis* (STMO), *forestier* (STBA; STNG; STVO), *forastier, forastiere, forastiero* (STOP; STRO; STSL; STVO), *foristier* (STNG), *foresto* (STOP; STPO).

10 STUM sometimes use the term *externus* and STNG *stranio*.

or elsewhere in Istria, from Venice,<sup>11</sup> Aquileia, etc. Furthermore newcomers are mentioned to have arrived from the near or far hinterland: in Trieste from the Karst (*de Carsis*), they were German and Slavic merchants (*mercatores theotonicici, sclabi*) or, in Trieste and Koper, truckers-peddlers (*musselati*), as well as Slavs and Friulians, farmers and mountaineers in Izola. The country people of Trieste lived in the area from Piran (*a terra Pirani*), Aquileia (*a civitate Aquileie*), and a *Vualdis* towards Trieste. Foreign lands, which the statutes also mention mainly in connection with trade flows, were, in addition to Istria (*de terris Ystrie*) and Venice (*Venecie*), Friuli (*Forumiulium*) and *Carentanum*. Often, however, the foreign environment is not specifically defined, but only a general description of the location ‘outside the city’ and ‘outside the city district’ is given – in connection with trade, property, and the place of some event.

The clergy was noticeable in the cities, and in economic terms, Jews were important, acting as moneylenders in the cities. The statutes did not grant the clergy and Jews civil rights and obligations, but rather other privileges and duties. The clergy received financial assistance for their institutions and the legacies of private individuals in wills, and some statutes specifically defined their jurisdiction in the event of disputes and offenses<sup>12</sup> (Andrews & Pincelli, 2013). Jews, bound by a special oath and sometimes required to wear a special mark on their clothing, operated businesses in some cities and lent money there at interest under agreed-upon terms. This activity was essential for the smooth flow of goods and money between the cities and their inhabitants at a time when cash was chronically scarce (Cassandro, 1979; Bonazzoli, 1990).

In addition to the basic professions, such as administrative, service, and various economic ones (artisans, innkeepers, merchants, salt pans workers, fishers, etc.), the statutes also treat certain specific professional groups as special. These were elite mercenaries called *stipendiarii*: in Trieste, the bishop, and in Koper, the companions of the city governor, employed several horsemen and foot soldiers (*socii milites; comestabilis cum hominibus pedestribus inter ciues et forenses; stipendiarius equitum, peditum*).<sup>13</sup>

In Muggia foreigners were also known as entertainers. For the carnival, they played flutes and other instruments in the palace; foreigners (*forestieri*) and those brought by the dance leaders were said to be paid equally (STMU 2, V/28 (27)).

The Istrian towns were also included in the Venetian defence system, which had its headquarters in the hinterland outside them. In 1421, the representative of Muggia turned to the Venetian Doge, saying that their community, on the orders of the captain of Rašpor (Darovec, 2022), had already sent numerous citizens of Muggia

11 After the transition to Venice, the cities – except for Trieste, which passed to the Habsburgs – treated the Venetians as an elite group of foreigners who enjoyed preferential rights.

12 The offenses and delicts of clerics are dealt with primarily by the statutes of Trieste (Mihelič, 2014).

13 In the city of Pula, paid foreign doctors, teachers, pharmacists, and military leaders (*marescalcus*) carried out their activities (STPU, I/4).

to fight against Buzet five times at great expense, including three of them having been killed, and many mortally wounded. The captain of Rašpor, the podestà and captain of Koper, and the Istrian margrave Tadeus de Este again requested Muggia to send more men. The Doge agreed to that Muggia did not have to contribute to the *Paisinaticum Raspurch* (Bertoša, 2008), and he would inform them if he wanted anything from them (STMU 2, IV/80 (77)).

The lower classes were also given attention in statutory stipulations: serfs (*servus (proprius)*), servants (*famulus*), maids (*famula, ancilla*), paid workers (*mercenarius*). In Trieste, a free man was not allowed to marry someone who belonged to another person outside the territory of Trieste without the permission of its Dominion (*dominium*) (STTS 1, II/53). In Muggia, free men were not allowed to marry people from the lower social classes: slaves, maids or those from the hospital of St Justus (STMU 1, III/13), who were treated as unequal and, in this sense, as foreigners in a fully-fledged urban environment. Relations between Trieste and nearby Muggia were not friendly, because a Trieste citizen was killed in Muggia. The people of Trieste were therefore not allowed to marry the people of Muggia under penalty of 200 pounds, and all property handed over or promised as a dowry or the like was to be forfeited to the commune (STTS 2, II/67–68). There were also tensions between Trieste and Koper. An addendum to the statutes of 1421 prohibited the inhabitants of Trieste from marrying inhabitants of Koper. The punishment for violators was banishment and confiscation of property (STTS 2, II/55, additio).

Marginal groups – the poor and the sick – are identified in statutory stipulations on hospitals (Bonin, 2009; Kosi, 2024) and in testamentary wills for the soul (Ladić, 2003; 2012). In Muggia, these could only be spent on *pauperes et inopes Mugle* (STMU 2, V/91). The statutes of Trieste mention lepers (*leprosi, habentes lepram*), who were treated as social outcasts. Doctors had to keep records of them and report them to the Dominion. Lepers were not allowed to leave their houses, except for their cultivated lands outside the city. There they were also allowed to sing masses for them. Foreign lepers (*leprosi forenses*) were not allowed into Trieste and its district, the heralds inquired about them and expelled them (STTS 2, IV/72).

The statutes of Piran also mention a specific example of the isolation of the city from the outside world during epidemics. During the plague epidemic (*contagion de peste*) of 1475, no foreigners were allowed into Piran by sea or land,<sup>14</sup> which caused enormous economic damage. In memory of the event, the Feast of the Martyrs Saint Sebastian and Saint Roch was proclaimed in Piran on 17 November 1475 (STPI, 715–716).

If someone was publicly considered to be a raging madman, stupid and feeble-minded or insane (*furiosus tempore furoris, stultus, fatuus, mentecaptus*), they were not held accountable and thus not punished for the crime they had caused,

14 [N]iuna persona forestira ne per mare ne per terra non si ossa acostar de qui (STPI, 715–716).

except for homicide. Relatives had to imprison and tame them so that their rage and frenzy would not endanger others. If they did not do this, the judges had the mentally ill thrown in the city jail, and at their discretion had them bound and chained (STTS 3, III/7).

Statutes often mention persons of bad reputation (*infamis*) as enemies, inferiors, suspicious persons, vagrants, pimps, prostitutes, criminals, vagrants, thieves, robbers, fugitive debtors, rebels, and perjurers (*inimicus, vilis condicionis, persona suspecta, vagabundus, ruffianus, meretrix, malefactor, ribaldus, fur, latro, predo, robator, debitor in fuga, ribellus, periurus*). They are often mentioned together with foreigners (*forenses*). An exile (*forbanitus*) who did not leave his district (*districtus*) was equated with a *brigente*, a highway robber (STTS 3, III/7, additio 1462).

Foreigners – non-natives – appear in the statutes as suspicious intruders, perpetrators of damage, as potential offenders and criminals – but also as their victims, as harmful competitors on the one hand and as useful partners in trade and other economic transactions on the other, and as undesirable claimants for possession of city real estate. Under special conditions, cities accepted foreigners as their co-citizens or citizens (Quaglioni, 1991; Rigaudière, 2002; Albin, 2011; Todeschini, 2017; Mueller, 1998; 2009; Boone & Stabel, 2002; Brown, 2017).

## FOREIGNERS AS A SUBJECT OF DISTRUST IN THE CITY

### Direct Threat

The statutes urged caution in relation to foreigners. A fellow citizen had to always come first for the citizens, even before relatives and friends who were not locals. A citizen of Trieste was not allowed to join or associate with a foreigner whom he knew to be an opponent of a Trieste citizen, nor to help or defend him. He was not allowed to leave the city to defend or attack someone who, with or without weapons, would attack his relative or friend – a foreigner. He was not allowed to help a foreigner who came to Trieste and did not perform any activity or was not skilled in it and was worthless and suspicious. Such foreigners were expelled at the discretion of the Trieste captain and judges<sup>15</sup> (STTS 1, II/133, 134; STTS 2, II/94; STTS 3, III/21). Due to the tense relations between Trieste and Muggia, the citizens of Muggia were not allowed to come to Trieste, except for those who had houses in Trieste (STTS 2, II/67, 68). Foreigners are also mentioned as possible plotters against Habsburg rule or the commune of Trieste with other foreigners or non-foreigners in the city (STTS 3, III/23).<sup>16</sup>

15 *Forenses vagabundi nullam artem scientes nec laborantes, qui appareant homines suspectae vitae, si reperiantur moram facere in civitate Tergesti vel districtu, possint licentiari et expelli a civitate et districtu Tergesti arbitrio domini capitanei et dominorum iudicum* (STTS 3, III/21).

16 This offense was punishable by the most severe punishment mentioned in the statutes: the culprit was tied to a horse's tail and dragged from the gate of Cavana to the gate of Riborgo, then hung on an iron chain in a public place and left to decay as a warning.

Neither a citizen nor a resident (*persona civis vel habitatrix*) of Trieste nor a foreigner was allowed, without the permission of the podestà and the judges of Trieste or its district (*districtus*), to recruit a citizen or inhabitant of Trieste in order to take him out of the city, where he would serve as a mercenary, or to harm someone somewhere (STTS 2, II/101; STTS 3, III/21). A foreigner who knowingly associated with an exile who would go with a weapon to attack someone in Trieste or its district had to pay a fine; it was permitted to injure or kill him with impunity as an exile (STTS 3, III/32).

Similarly, no one was allowed to bring a foreigner to Muggia who was an enemy of one of its citizens, to help or defend him (STMU 1, II/70). However, if someone brought an adversary from the Muggia or Trieste area to Izola, he had to post bail and receive a certificate from Koper, Izola or Piran (STIZ, IV/c). A citizen of Piran was also not allowed to bring a foreigner to the city whom he knew to be an enemy of one of its citizens or guilty of a crime, and he was not allowed to help or defend him (STPI, 309–310).<sup>17</sup>

If an exile from the city, a confined person or a foreigner who did not live in Trieste entered or left the city by day or night over the walls or the gutters, his leg was cut off *a crure*, the same as that of his assistant. If a citizen, inhabitant, resident of the surrounding area, or foreigner (*civis, habitator, districtualis vel forensis*) under the age of twenty, who lived in Trieste and was not banished or confined, entered or left the city in this way and someone helped him, he was fined 100 pounds, or, if he did not have the money, lost his leg (STTS 3, III/68). Similarly, in Izola, a man or woman, local or foreigner, caught making holes in the Izola walls, had their right hand cut off and was banished (STIZ, IV/155).<sup>18</sup>

Stipulations restricting the possession and carrying of weapons in the cities also mentioned foreigners. In Trieste, no citizen was allowed to sell weapons to a foreigner (STTS 2, II/110; STTS 3, III/86), nor to lend, transfer or give them a communal crossbow (*ballista*), any weapon, tool or battle tower (*edifitium*) (STTS 1, IV/13; STTS 2, IV/15). However, foreign merchants (*forenses mercatores muxellarii*), who transported food and other goods to Trieste, were allowed to have a knife on their commute. Carrying a knife with a handle and blade longer than half a foot (17.3 centimetres) was prohibited. No priest was allowed to carry a weapon in Trieste, by day or night. The bishop of Trieste was not allowed to have more than four armed men in his retinue – foreigners and not locals or citizens<sup>19</sup> – however, when the bishop walked around the city, all foreigners in his retinue (*de sua familia*) were allowed to bear arms (STTS 1, II/23; STTS 2, II/19). The statutes allowed noble foreigners (*forenses nobiles*) to carry a knife (STTS 1, II/26). They and their companions (*socii*) and servants (*famuli*), foreign merchants and carters (*plaustritores sive caratores*) of wine, salt, wood and other

17 Labin (STLA, I/7) and Motovun (STMO, 63) also prohibited association with enemy foreigners.

18 Climbing over the city walls was also prohibited in Rovinj (STRO, III/12).

19 ... *qui sint forenses et non terigene sive cives* (STTS 1, II/23).

goods, peddlers (*muselarii*) or truckers (*saumarii*), and everyone else who had permission from the captain of Trieste and the judges were allowed to carry weapons (STTS 3, III/27).

Even in Muggia, foreigners were not allowed to carry weapons, unless the foreigner wanted to take the weapon to his lodging (*hospitium*) or to the house of a friend (STMU 1, II/29). In Piran, it was forbidden to lend a weapon to a foreigner either for defence or attack (STPI, 707). If a foreigner came to an inn or the house of a local, the host had to order him to put down the weapon, otherwise he himself was fined (STPI, 262–263).<sup>20</sup>

### Unwanted Business Contacts

The statutes restricted cooperation with foreigners that would harm the locals. In **Trieste**, it was not permitted to give a pledge for a foreigner or for his guarantor without the permission of the authorities, or to associate with someone in giving a pledge (STTS 1, I/100; IV/17; STTS 2, IV/44). The Dominion of Trieste was allowed to pledge for a foreigner, while foreigners and residents of Trieste were not (STTS 2, I/52). A Trieste citizen was not allowed to enter into debt, to provide a guarantee or security for a foreigner or accept donations or promissory notes for him from a Trieste citizen; he had to return the pledge received and pay the damage (STTS 1, I/103, 104; II/162; STTS 2, IV/45, 61). A citizen of Trieste was not allowed to assign or hand over to a foreigner a promissory note against a fellow citizen or one accepted from a foreigner, but he could assign or hand over a promissory note against a foreigner to anyone (STTS 1, I/104; STTS 2, IV/46; STTS 3, II/40). When settling a debt, the property of the main defendant or debtor was first sold at auction, and that of his guarantor only if the debtor was a foreigner (STTS 1, III/8). If a foreigner accepted or withheld something from a Trieste citizen, the podestà, with the judges at his discretion, handed over a record of this to the citizen (STTS 1, I/102; STTS 2, IV/47). In fact, the citizens of Trieste were not allowed to seize a pledge or take retaliatory measures against a foreigner without the consent of the great council, even if the debtor gave them permission to do so. No one was allowed to be given a pledge against someone who delivered grain to Trieste or came to buy wine, unless he was the main debtor (STTS 1, I/98; STTS 2, IV/43 (39)).

In **Muggia**, a citizen was not allowed to borrow money or guarantee for a foreigner without the permission of the Dominion (STMU 1, II/159). If he did, all the movable and immovable property of the foreigner served as security for the guarantor (STMU 2, IV/94 (91)). The podestà or his deputy took care of the detention of the debtor and the compensation of the guarantor – foreigner or local – who would suffer damages due to the guarantee (STMU 1, IV/35). A citizen or inhabitant of Muggia was not allowed to accept a promissory note or representation against a resident (*vicinus*) of Muggia from a foreigner (STMU 1, IV/6; STMU 2, IV/3). A citizen or inhabitant of Muggia was not allowed to exercise coercion over a foreigner or take a pledge against him without the

<sup>20</sup> Pula (STPU, IV/23) prohibited both locals and foreigners from keeping weapons in their houses.

permission of the Dominion (STMU 1, II/73). He was not allowed to take a pledge from a foreigner who brought goods to Muggia or came to buy wine; he had to return the received pledge (STMU 1, II/72).

Neither a citizen of Muggia nor a foreigner was allowed to buy off a debt from a conviction, accept a donation or assignment of such a debt, or accept representation and demand money from a conviction (against a citizen of Muggia) (STMU 1, IV/7). According to a later redaction, a local, inhabitant or servant (*famulus*) of a citizen or inhabitant of Muggia was not allowed to buy or accept a debt, representation, donation or assignment of a debt against a citizen or inhabitant of Muggia from a foreigner over the sum of 10 pounds. They were allowed to do so for a lower sum and could also take over representation for a foreigner against the citizens and residents of Muggia; the lawyer for the foreigner was appointed by the municipal lawyers (STMU 2, IV/3).

In 1349, an older stipulation was annulled in Muggia, stating that inhabitants and citizens of Aquileia, the noble lord Andreasius Maurocenus of Venice, the Minorites, Dominicans and any religious brother or anyone else from among the citizens of Muggia, were allowed to appoint a representative for their demands and claims in Muggia against its citizens and inhabitants, so that in their name, in the presence of the Dominion of Muggia, they could claim their tithes, rents and income from their estates and withheld payments (STMU 1, IV/8).

Even in **Koper**, citizens and residents were not allowed to guarantee for foreigners. The statutes explicitly prohibited a citizen of Koper from being a guarantor for a Jew and from accepting money from a Jew on behalf of a foreigner (STKP, I/22). Guaranty for a foreigner without the podestà's approval was also not allowed in **Izola** (STIZ, I/68). It was forbidden to guarantee for a foreigner against a Jew from Izola (STIZ, IV/22, 72). If a citizen or foreigner pledged an object to someone, in the event of a dispute, the owner of the pledge enjoyed trust (STIZ, IV/64). In a lawsuit against an Izola citizen or inhabitant, the citizens of Izola were not allowed to represent a foreigner without the podestà's permission. If an Izola citizen received a donation from a foreigner, he had to swear that he had not received it as a favour in return. This did not apply to Venetians (STIZ, II/72). A vicedomin (*vicedominus*) or notary from Izola was not allowed to be a procurator (attorney) of a citizen or a foreigner (STIZ, III/81); Izola notaries could represent both locals and foreigners, but the vicedomin and notary could not during the term of their service (STIZ, IV/127).

Foreigners who received a salary in Izola paid the podestà's chancellor (*cancelarius*) one pound for the notes. For each mark, the foreigner paid 20 shillings (or one pound, i.e. 1/8 of a mark) at the end of the month and after the conclusion of the business (STIZ, IV/171).

A **Piran** citizen was not allowed to be a representative, guarantor or payer for a foreigner to another person – a foreigner or a citizen – for a debt, a bargain, for another business or service for a sum exceeding 40 shillings (2 pounds). It was also forbidden to accept such a guarantee that was invalid, except for Venetians and supporters of the Doge and Venice (STPI, 430–431). Piran citizens were not allowed to be guarantors or representatives of foreigners for debts exceeding 5 pounds (STPI, 429–430). A foreigner

was forbidden to issue documents, notes or promissory notes against Piran citizens. No one was allowed to buy the debt of a Piran citizen or accept a command or deed of donation for a debt against him. A Piran citizen (*citadinus*), (new) settler (*uicina*) or a non-citizen (*habitor*) who had lived in Piran for more than a year was not allowed to redeem the debt of a Piran citizen or settler from a foreigner (STPI, 433–434). A Piran citizen was not allowed to bring a foreigner to Piran to guarantee or to contact the main creditor regarding old or new tithes (STPI, 552–553).

Without the permission of the podestà, the citizens of Piran were forbidden to accept a pledge against a foreigner. Such pledges had to be agreed upon by a great council convened by the podestà for this purpose. No citizen was allowed to join such a pledger, and the pledge had to be returned. Pledges permitted by the podestà were handed over to the chamberlain. The debtor had eight days to repay the debt, otherwise the pledge was sold at auction in the *Campo* quarter, and the proceeds were used to settle the debt, including costs (STPI, 421–423). If a foreigner sued a Piran citizen over a debt or another matter before the podestà, and a pledge was issued, the Piran debtor had to settle the pledge from his own property; the same applied if the commune or an individual suffered any damage as a result of such pledges (STPI, 421). No one was allowed to lend money against a pledge to a foreigner, slave (*seruus*), trusted servant (*famulus affidatus*) or hired worker (*mercenarius*) of a Piran citizen (STPI, 462–464).<sup>21</sup>

The Piran podestà had its own retinue, in which foreigners also served. Neither a citizen nor a foreigner from the podestà's *familia* was allowed to receive payment or reward from the commune for closing the Piran city gates (STPI, 671/72).

## CRIMINAL OFFENCES AND THE TREATMENT OF FOREIGNERS

### Trieste

Along with citizens and city dwellers, foreigners are mentioned in the statutes as potential criminals, bullies or delinquents, but also as victims.<sup>22</sup> In terms of legal proceedings, the podestà or captain or his deputy (*vicarius*) was responsible

21 The statutes of other Istrian towns also prohibited locals from pledging (*se obligare*) or guaranteeing for foreigners (STNG, IV/29; STBU, 71; STMO, 42; STBZ, 81; STDV, 66), from accepting a pledge from a foreigner (STVO I/13), from accepting or purchasing a promissory note from a foreigner against a local person (STNG, IV/18; STBU, 103; STGR, IV/134; STOP, 85, 115; STMO, 62; STBZ, 110; STPO, II/17; STRO, II/9, 10; STDV, 99; STSL, IV/53; STVO, III/37, 38), or from assigning a debt to a foreigner in order to claim against a local (STUM, II/17).

22 Such stipulations are also in the statutes of other Istrian towns: on the jurisdiction to adjudicate foreigners (STOP, 11; STBZ, 11; STBA, 100); a foreigner was tried in the same way as a local resident would be in the foreigner's place of residence (STUM, II/19; STNG, II/3; STGR, I/6; STPO, II/21; STRO, II/12; STSL, I/10; STDV, 166; STBA, 101; STVO, 40; STPU, II/9); unauthorized coercion against foreigners was prohibited (STBU, 38; STOP, 48, 49; STBZ, 47, 48); attacks with and without weapons are mentioned (STBU, 18, 20; STOP, 22–25, 27; STBZ, 21, 23, 24, 26); bloody injuries and homicides in which, in addition to local residents, foreigners were also involved (STNG, IV/13; STBU, 24, 26; STOP, 31, 32, 34; STBZ, 30, 31, 33).



Fig. 1: Trieste, Cavana Gate and Salt Square in the sixteenth century (Scussa, 1863).

for judging in cases between citizens of Trieste and foreigners. The captain, his deputy and the judge dealt with the crimes of both locals (citizens, (new) settlers, inhabitants, residents of the surrounding area)<sup>23</sup> and foreigners (*forensis*). Twice a week, on Mondays and Fridays, the captain or his deputy personally sat during general court agreements (*placita generalia*). In addition to others, he also dealt with foreigners who did not have a residence in Trieste (STTS 2, III/1; STTS 3, III/1). On holidays such as Sundays, celebrations of the Nativity and resurrection of Jesus, Good Friday, feasts of Saint Mary, the Twelve Apostles, Saint John the Baptist, Saints Justus, Sergius, Servulus, Lacerus and Apollinarus,<sup>24</sup> no judgments were made, but it was permitted to hear and judge foreigners who did business in Trieste, but did not reside there (STTS 2, III/14). Citizens and

23 *Persona civis, vicina, habitatrix, districtualis*.

24 According to a later regulation: on Sundays, Christmas and the two following days, on the feast of the resurrection of Jesus, Corpus Christi, Pentecost and the two following days, on the feasts of Mary and the feasts of the Apostles, Evangelists, the four saints Ambrose, Augustine, Jerome and Gregory, on the feast of Saint John the Baptist, and of the patron saints of Trieste, Justus, Sergius, Servulus, Lazarus and Apollinarus (STTS 3, II/3).

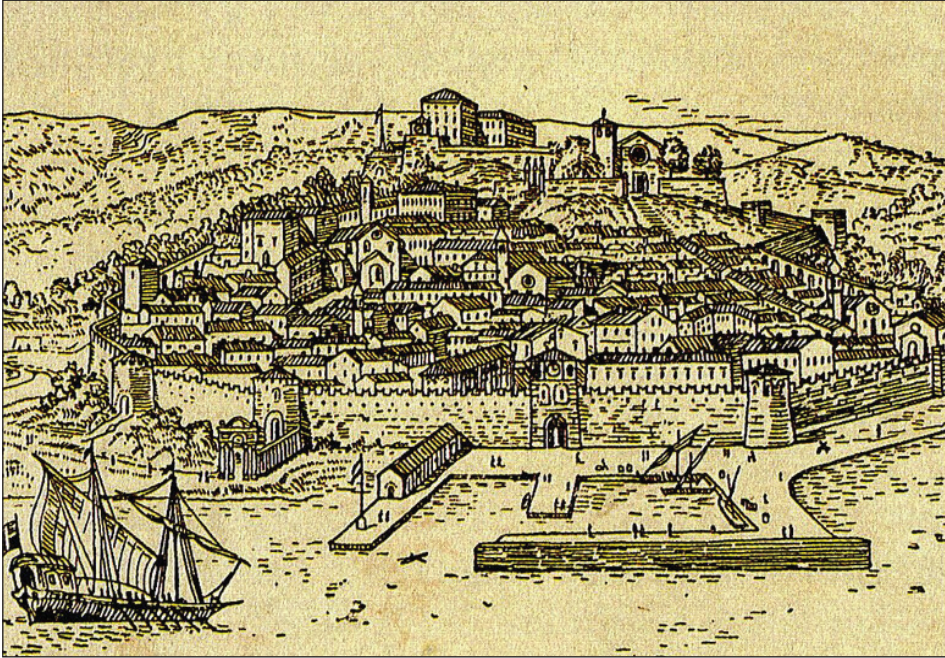


Fig. 2: Remains of medieval walls emerge in Trieste during excavation works in the central Piazza Unità (MYmovies, 2017).

foreigners had lawyers at their disposal in disputes (STTS 1, I/57). However, citizens and residents of neighbouring Muggia did not receive legal assistance in disputes in Trieste, because a citizen of Trieste had been killed in Muggia. In Trieste, the people of Muggia did not receive help and support in disagreements, unless the Dominion saw it fit to send envoys for the good of peace (*ambaxatores pro bono pacis*) (STTS 1, II/160; STTS 2, II/67, 68).

The punishment of crimes committed by a citizen on a foreigner or vice versa in Trieste was decided by the podestà. The determination of the punishment for a crime committed by a foreigner against a citizen or a citizen against a foreigner or a foreigner against a foreigner was within the jurisdiction of the authorities, as long as it did not involve homicide, robbery, theft or loss of limb; in these cases, the provisions of the statutes applied (STTS 1, II/62; STTS 2, II/72). If a Trieste citizen injured a foreigner or vice versa, or a foreigner a foreigner with or without a weapon, during the day or at night, in or outside the city square, the captain or his deputy decided on the punishment. For a foreigner this was milder than for a native, except in the case of homicide, loss or mutilation of a limb, when the statutory stipulation applied. A woman under fifteen years of age who injured a native or foreigner had to be punished milder than other citizens or as a violent (adult) native of Trieste or

a foreigner. Cases of homicide, loss or mutilation of a limb were exempted, where a punishment specified in the statutes was applicable (STTS 3, III/7). If a captain, his deputy or criminal judge injured a foreigner, they were – at the discretion of the judges – punished milder than ordinary citizens (STTS 3, III/12).

If a foreigner went to court in Trieste and the legal customs in their place of residence deviated from the statutes of Trieste, in civil disputes they were tried in the same way as a Trieste citizen would be in the foreigner's place of residence (STTS 3, II/2). The same applied to Trieste citizens in the home town of the defendant foreigner (STTS 3, II/2, *additio*, 147). The country people (*paysani*) or the inhabitants (*habitatores*) who lived in the Dominion of Trieste were treated by the Trieste authorities in the same way as they treated Trieste citizens (STTS 1, III/55; STTS 2, III/31).

When a foreigner sued a Trieste citizen before the Dominion of Trieste and summoned the debtor twice in person or three times at his home or both, but the summoned person did not appear, the foreigner presented proof of the debt. The captain or the person before whom the case was being heard allowed them to seize the debtor's property up to the amount of the debt within three days (STTS 3, II/12). Disputes arising from contracts between foreigners and between foreigners and Trieste citizens, local inhabitants, residents of the surrounding area (*inter forenses et cives vel habitatores vel districtuales Tergesti*) outside the Trieste district, which could be resolved before the Dominion of Trieste according to the statutes were also dealt with in Trieste. If a foreigner came to Trieste with someone else's property or money, and had a dispute with the owner of this property before the Dominion, the foreigner was put under arrest or had to provide a guarantee, or the property was seized until the end of the dispute. If a foreigner guaranteed a Trieste citizen to a third party, or a Trieste citizen guaranteed a foreigner, and the foreigner made a settlement regarding this guarantee before the Dominion of Trieste, he could no longer sue in court (STTS 3, II/18).

If a foreigner killed a Trieste citizen anywhere outside the district of Trieste, the Dominion took action against him or her (STTS 3, III/1). When a citizen or foreigner (*civis sive extraneus*) committed a homicide or criminal offence and provided guarantors, the main culprits were first called to answer before the court, unless they were incapable of settlement, or if they were foreigners (*persone forenses*) (STTS 2, II/106). If a non-citizen (*non civis*) was killed in Trieste or its district, the perpetrator was sentenced to death, unless it was self-defence (STTS 2, II/5). If the killer, man or woman, of a (new) settler, inhabitant or resident of the surrounding area (*vicinus et habitator vel districtualis*) of Trieste, was a foreigner in the city or district of Trieste, they were beheaded (STTS 3, III/6). The statutes from 1421 are more explicit regarding the punishment for a killer: anyone who committed the homicide of a Trieste citizen or foreigner in Trieste or its district would be first tied to a horse's tail and dragged from one city gate to the other (*a porta Cavanae usque ad portam Riburgi*), and then taken to the gallows and hanged (STTS 3, III/18).

In their stipulations on bleeding wounds, the statutes of Trieste also mention vagrants (*ribaldi*) and similar persons, as well as foreigners who would injure a citizen or vice versa. At that time, the podestà could determine a punishment for

a foreigner that was milder than that prescribed for locals, but not in the case of homicide, loss or mutilation of a limb, where a uniform statutory stipulation applied. The culprit, who was unable to pay the imposed penalty, was jailed. If they did not pay within the specified period, they were punished according to the statutes. Foreigners were flogged and branded; if they caused trouble in jail, they were expelled from Trieste to more or less distant foreign lands. One stipulation specifically mentions banishment beyond Muggia and Duino/Devin (STTS 1, II/3). However, the Dominion of Trieste did not take action if a foreigner – a resident of Trieste – injured another foreigner outside Trieste and its district (STTS 1, II/3; STTS 2, II/6). According to a later revision of the statutes, a Trieste resident or foreigner who attacked someone with a weapon or other offensive object in Trieste or its district at their home or property was punished for a misdemeanour and fined. A foreigner who was unable to pay the fine was jailed for six months (STTS 3, III/9).

A foreigner who ‘cunningly’ (under false pretences) committed bigamy (man) in Trieste and married a Trieste citizen was beheaded, while a biandrist (woman) was burned (STTS 1, II/56; STTS 2, II/42). A Trieste native or a foreigner who abducted and forcibly detained someone in Trieste or its district in order to collect a tax (exhort money) from them was to be hanged (STTS 3, III/19). If a foreigner secretly or by force abducted a Trieste woman and took her out of the Trieste district without the permission of her guardian, her relatives could kill him with impunity. However, Trieste citizens were allowed to keep an abducted foreign paid female worker (*mercenaria forensis*) (STTS 2, II/43). Neither Trieste natives nor foreigners were allowed to pimp ‘public mistresses’ (*meretrix*) in Trieste, to run brothels or reside in them (STTS 2, II/100).

In the case of a fight between a foreigner and a citizen and vice versa, or between foreigners, if there was hair pulling, slapping, beating with fists, kicking, an attack with a spear, sickle, sabre, mace, knife, club, wood, lance, iron rod or other iron weapons, the punishment was at the discretion of the podestà, judges or consuls (STTS 1, II/4). For an attack without weapons between local citizens and foreigners, the punishment was determined by the authorities, unless it resulted in death or loss of limb (STTS 1, II/5, 7). If a podestà attacked a foreigner, the punishment was determined by the judges; if one of the judges or consuls attacked him, the punishment was decided by the other judges and consuls (STTS 1, II/8). If foreigners and locals clashed without weapons in front of judges and rectors, they were punished at the discretion of the podestà or rector, and for an attack in front of the podestà, in the great council or in the communal palace, the punishment was doubled (STTS 1, II/12). If a Trieste citizen or inhabitant (*civis vel habitator Tergesti*) insulted a foreigner or vice versa, or a foreigner insulted a foreigner, the foreigner was punished at the discretion of the judge with a reduced punishment (STTS 3, III/31). Even in the case of illegal gambling, the punishment for foreigners and vagrants was lower (STTS 2, II/89).

## Muggia

As in Trieste, in Muggia cases between citizens and foreigners (*cives cum forensibus*) were also judged by the podestà and officials, and the punishment for foreigners could be less than statutorily proscribed (STMU 1, II/15). The communal lawyers were responsible for appointing lawyers for foreigners (STMU 2, IV/3). Before the authorities, foreigners were treated according to the law as if they were citizens of Muggia, with the right of retrial before the Muggia Dominion reserved for the citizens of Muggia (STMU 1, IV/34; STMU 2, IV/26 (24)). Disputes between fathers and sons were to be resolved by arbitrators (*iudices arbitri*), who could not be foreigners (STMU 2, V/142).

In Muggia, the fifteen days before and after Christmas, before and after Easter, and before and after Michaelmas (29 September) were obligatory holidays for both movable and immovable court proceedings, except for lawsuits between foreigners (STMU 2, V/30). After a later amendment, the holidays only applied to cases between citizens (STMU 2, V/70).

If a citizen in Muggia killed a foreigner, the penalty was death; if he fled, the commune confiscated his property and banished him forever from Muggia and its district (*a terra et districtu Mugle*). For homicide in the district outside the city, the punishment was determined by the Dominion of Muggia. A foreigner who killed a Muggia citizen was beheaded. The property of those who could not be caught was confiscated; half of it went to the commune, half to the victim's relatives, and the perpetrator was forever banished (STMU 1, II/48). In Muggia, no one was allowed to capture and detain a citizen or inhabitant of Muggia or a foreigner (*civem vel habitatorem terre Mugle seu forenssem*) without the permission of the Dominion, unless they were a thief, robber, criminal, fugitive debtor, slave or hired worker (*fur, latro, malefactor, debitor in fuga, servus proprius, mercenarius*) (STMU 1, II/71).

Anyone who seriously injured someone in Muggia, but did not cause the loss of limb, had to pay a fine and for the victim's treatment and was banished for four months to Trieste or Koper, or further away at their own will (STMU 1, II/42). In the case of lost limbs, the culprit paid a fine to the commune and treatment and compensation to the injured party. They were also banished beyond Koper or Trieste for a year (STMU 1, II/43). A foreigner who mutilated a citizen, resident or foreigner to the extent that he could no longer use the limb, had the same limb amputated or had to pay 1,000 pounds within a month. If a foreigner mutilated a foreigner, he lost the same limb, unless it was established that the injury was caused by the injured party's own fault. The fine was then 15 marks (120 pounds), but if the perpetrator could not pay, they were to pay with their own limb. The punishment for a citizen who injured a foreigner was decided by the podestà and municipal officials (STMU 1, II/44; STMU 2, II/44).

For an attack on a the podestà's deputy, judges or rectors, the perpetrator was banished to Koper, Trieste or further away for a year. A double punishment befell an attacker on a podestà (STMU 1, II/37). A person who intentionally attacked someone, seriously wounded them in the face and blinded them was banished from Muggia beyond Pula and Venice (STMU 1, II/46).

In civil lawsuits of clerics, in Muggia the podestà or his deputy judged clerics in the same way the parish priest would have judged the lay people of Muggia in his parish in an ecclesiastical court, if the community (*conventus*) agreed; if it disagreed, the trial was held in the city palace, as in other cases (STMU 1, IV/34; STMU 2, IV/25 (24)).

## Koper

In Koper, too, the podestà judged disputes between citizens and foreigners, between foreigners and citizens and foreigners, with the usual principle that foreigners in Koper were tried in the same way as Koper residents would be in the foreigner's place of origin (STKP, II/60). Koper had six communal lawyers who represented men and women, citizens and foreigners (STKP, III/10).

The fine for a foreigner who did not pay rent or duties was determined by the podestà (STKP, II/35). The captain or podestà also judged testimonies against foreigners regarding debt without an existing promissory note (*carta*) (STKP, II/12).

In Koper, neither a local nor a foreigner was allowed to sell a Christian without the consent of the podestà. A foreign buyer who could not pay the fine would be flogged, branded and banished (STKP, I/16). A forbidden vice that the people of Koper indulged in was gambling. A citizen, foreigner, or mercenary – horseman or footman (*stipendiarius equitum* or *peditum*) who was caught gambling at home or in a tavern had to pay a fine, which also applied to the host and observers of the game (STKP, I/41).

## Izola

Fines for insults and assaults in Izola were left to the discretion of the podestà for foreigners and minors, and the same for 'worthless persons' (*viles persone*). The penalty for a citizen was lesser and greater for a foreigner, with Venetians not being considered foreigners (STIZ, I/2).

A foreigner or a native who committed bigamy and married an Izola woman was imprisoned and, at the discretion of the podestà, had to pay a fine of 200 pounds or more; two-thirds of went to the deceived woman (STIZ, I/95).

## Piran

In Piran, foreigners were also treated the same way as the people of Piran would be in the foreigners' native cities (STPI, 383–384). The podestà determined punishments and sentences for foreigners, worthless persons (*viles persone*) and minors (STPI, 689), if they insulted each other (STPI, 249), committed an attack without blows or weapons (STPI, 252–253), by throwing wood, stones, spears, iron or lead objects at someone in anger without hitting them (STPI, 253), or if they hit someone with their fists or pulled their hair and caused a bruise without bloodshed (STPI, 253–254). The podestà's jurisdiction



Fig. 3: The Praetorian Palace in Koper (Wikimedia Commons).

also included determining the punishment for foreigners, minors and petty criminals who committed an attack on a Piran citizen with or without a weapon, by beating, slapping and rioting with or without a weapon (STPI, 256), by inflicting a small or large wound on someone (STPI, 254–255). If a foreigner killed a citizen or vice versa, the podestà decided on the punishment; the culprit who was not caught, was forever banished, and his property was auctioned off (STPI, 260). There were four lawyers for citizens and foreigners in the city. They were chosen by the podestà and the judges (STPI, 138–140). Heralds of the Piran commune also made announcements at the request of a foreigner (1384) and received a payment of 6 pennies for each announcement (STPI, 148–150).

The statutes of Piran mention the forbidden entertainment of gambling. No citizen or inhabitant of Piran (*civis vel habitator*) was allowed to gamble with a foreigner in Piran or outside, from the Church of St Christopher towards Piran, or to observe foreigners playing with each other or with a resident of Piran (STPI, 604–607). Citizens and residents of Piran were prohibited from gambling with each other under the penalty of a fine. Foreigners who were not included in the neighbourhood (*facere uicinantiam*) were

not punished for gambling (STPI, 606–607). A foreigner who did not live in Piran was punished only for playing at night (STPI, 609). No one was allowed to gamble at night after the third bell. The amount of the fine for foreigners and underage boys who watched the game was determined by the podestà (STPI, 608).

## FOREIGNERS AND URBAN AND RURAL ENVIRONMENT

The statutory stipulations reflected the concern for the environment and the cultivated hinterland. In the territory of **Trieste**, neither a foreigner nor a villager (*persona vilana*) was allowed to cultivate the land without the permission of the judges (STTS 3, III/97). When livestock caused damage to cultivated areas in the Trieste hinterland, its owner had to pay a fine for each animal. If the animals were the property of a foreign merchant, the fine was halved (STTS 3, III/43). Taking (‘stealing’) other people’s crops was permitted to a modest extent: if an honest foreigner, while traveling through the Trieste district, took from another person’s property up to four apples, pears, peaches or similar fruits or a moderate amount of other small fruits or three grapes for his own needs, he was not fined (STTS 3, III/43). If the guards caught foreigners or suspicious persons appropriating other people’s crops, they took a pledge (*pignus*) from them up to the value of half a mark (4 pounds) or brought them before the court (STTS 1, I/87). No foreigner was allowed to come and hunt in the Trieste district without the permission of the Trieste captain and judges (STTS 3, III/75, additio).

The most important crop that flourished in the territory of the cities under discussion was the vine. The statutes of Trieste extensively regulated the wine-growing activity of the people of Trieste within and outside its area. The citizens or residents of Trieste were not allowed to cultivate or have cultivated in a half-crop manner anyone’s land or vineyard outside the district. They were not allowed to buy or accept as collateral or otherwise vineyards outside the Trieste district, nor deliver the wine from these vineyards to Trieste or its district. Likewise, no one was allowed to cultivate the land or forest from the *Gorgis* bridges to the sea, nor below the streams of the areas of *Sancta Sabata* (Sv. Sobota/San Sabba) and *Ysels* (STTS 1, II/131; STTS 2, II/93). A Trieste citizen was not allowed to accept a farm (*mansus*) lease from a foreigner (STTS 2, I/52). The vineyards were supervised by guards – *saltarii*. Those who stole were reported; if they were foreigners or suspicious persons, they had to hand over the pledge, or they were brought to court (STTS 2, I/31). The purity of wine in Trieste was supposed to be guaranteed by the stipulation that neither locals nor foreigners were allowed to adulterate it with the addition of honey from Tribiano (*melle tribiano*), citrus fruits from Rocca (*limine de roço*), or *vitrio spagno* (STTS 2, II/60).

In **Muggia**, no citizen or foreigner, small or tall, male or female, was allowed to cut or carry away dry or green wood from forbidden communal or private (*divisus*) forests (STMU 1, II/93). In the Muggia district beyond the church of St Clement, no citizen, resident or foreigner was allowed to burn pomace (STMU 2, V/69). Foreigners were prohibited from cutting grass on communal or private territory. Those who were not citizens or inhabitants of Muggia or related to one were not allowed to store grass or mow there (STMU 1, II/100).

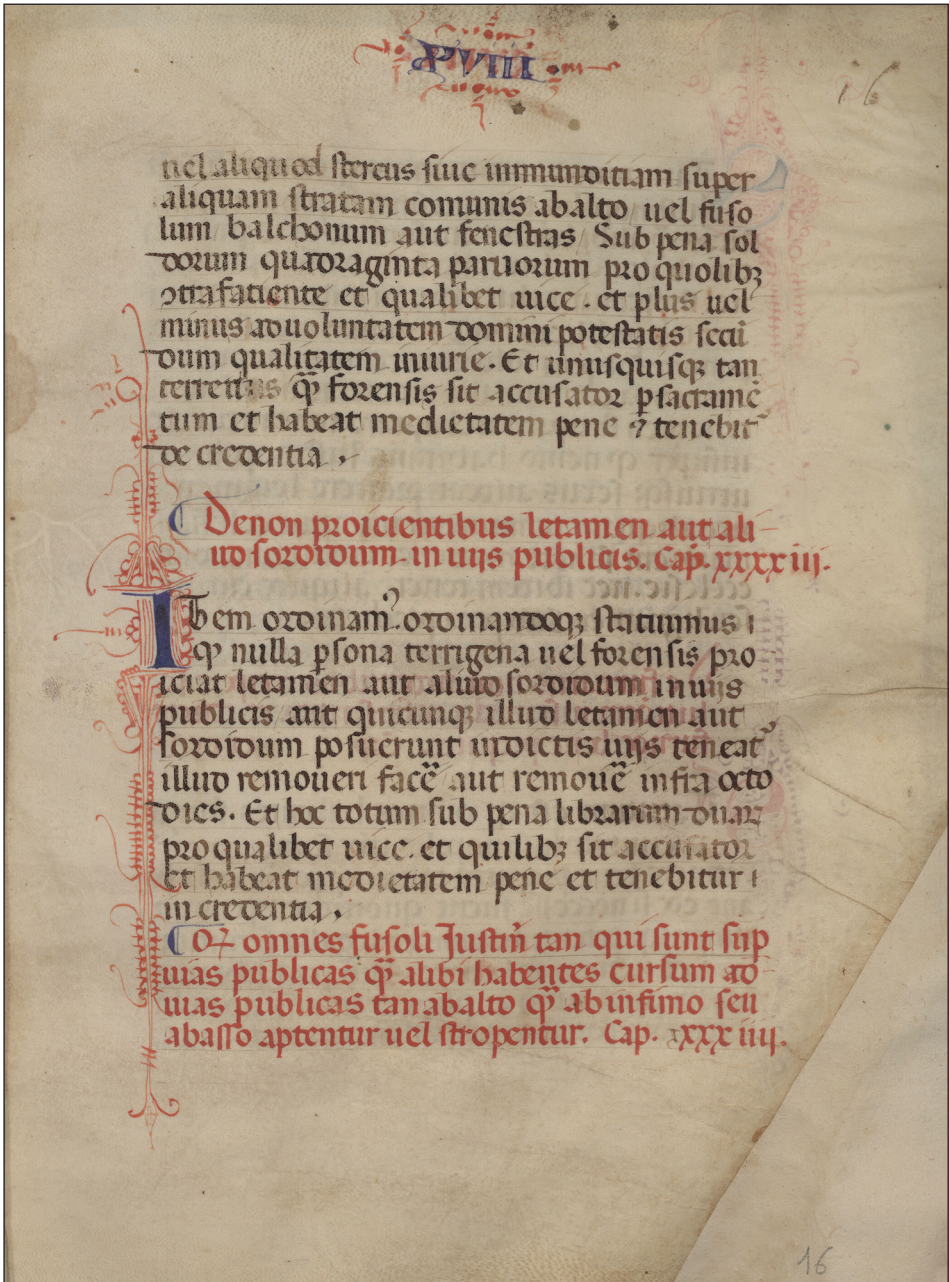


Fig. 4: Prohibition for locals and foreigners to pour sewage onto the streets (STKP, I/43–44, ASVe, AC).

Foreign animals were not allowed to graze on the territory of Muggia, and local shepherds were not allowed to take foreign animals with them (STMU 2, VII/46)<sup>25</sup>. For animals of foreigners, border residents (*convicini*) from nearby Koper and Trieste and their districts, which grazed on a Muggia communal or private territory, the owner had to pay 20 shillings (1 pound) for each animal, and for sheep and goats, kids and lambs, pigs, rams, billy goats and castrated animals 10 schillings (1/2 pound). Animals that were driven to Muggia to be sold were allowed to graze freely, provided they did not cause damage; if any damage was caused, the owner of the animal had to compensate for it (STMU 1, II /117). The owner of the animal paid for damage caused by animals to the meadows of citizens or foreigners in the eight months between 1 March and 1 November, in the same way as for animals caught in vineyards and cultivated areas (STMU 2, IV/74 (71)).

The statutes of **Koper** mention foreigners in the stipulations that regulated the urban and rural environment. In Koper, locals (*persona terrigena*) and foreigners were not allowed to pour manure or other filth onto a public road, and this had to be cleaned up or removed within eight days (STKP, I/43). Locals and foreigners of both sexes were prohibited from owning and grazing small animals on the *Campo marcio* (STKP, III/7). Neither locals nor foreigners were allowed to take away foreign sprigs (*sarmenta*) from vineyards or elsewhere without the owner's permission (STKP, III/14). Neither fellow citizens (*conclivis*) nor foreigners of either sex were allowed to cut down dry or green fruit trees outside the city except in October: from Michaelmas (29 September) to All Saints' Day (1 November). Only during this period could the podestà allow the uprooting of vines and other fruit trees in vineyards in order to sow grain there (STKP, III/20). The people of Muggia, who had vineyards in the Koper region, paid the Koper guards 3 pennies for each hoe (almost 3 ares) of vineyard, while the Koper people paid 4 pennies for vineyards in the Muggia area (STMU 2, V/93).

In the port of **Izola**, no one, either native or foreigner (*persona terriera, ò, forestiera*), was allowed to unload hay, nor were butchers to pour blood or other filth into the sea (STIZ, III/74). Neither native nor foreigner was allowed to dig stones from the shores in the Izola district without the express permission of the podestà. The violator paid a fine, and the stones were taken away from him (STIZ, III/62). Animals belonging to foreigners (*forestieri*) were not allowed on Izola territory (STIZ, IV/197). If a foreign ox or cow grazed or caused damage in the Izola district (*distretto de Isola*), the owner had to pay a fine for each animal and compensate the plot owner for the damages (STIZ, III/37).

In **Piran**, citizens, residents or foreigners were not allowed to mow grass in the Strunjan/Strugnano swamp (*palus*) and from Sečovlje/Sicciole towards Piran (STPI, 563). In the Piran area, foreigners were not allowed to cultivate and enjoy the income from *Carso* (the Savudrija/Salvore hinterland) (STPI, 567–568). A citizen or inhabitant of Piran and a subject of the Dominion of Piran (*aliquis subditus dominio Pirani*) was not allowed to sell, give or alienate to any foreigner hay, grass or wood in the Piran district or Dominion to be taken away without the permission of the podestà (and the judges) (STPI, 561–562). A Piran citizen and inhabitant of

25 The seventh book of the Muggia statutes dates from the early sixteenth century (1504–1510).

Sečovlje was not allowed to sell or give permission to a fellow citizen (*concivis*) or resident of Izola to prepare hay or grass, nor to have a company with him in ploughing. He was not allowed to sell hay or grass to a foreigner from Istria unless the buyer had first pledged before the podestà that the hay was for him and that it would not fall into the hands of the people of Izola (STPI, 560–561). Foreigners in the Piran region were not allowed to raise either large or small livestock without the permission of the authorities (*regimen*) (STPI, 566–567). Livestock agreements (*soçedalia*) (Mihelič, 2015) were prohibited with foreigners, who did not fall under the authority of the Venetian Doge without the podestà's permission, nor with the residents of Buje, Sipar and Kaštinjol/Castagnol (STPI, 697–700).<sup>26</sup>

## FOREIGNERS AND TRADE

### General Principles

In economic terms, cities protected their interests; they accepted foreigners when they fitted in conveniently with their economic policy and rejected them when they represented unfavourable competition. In Trieste, they explicitly accepted only those foreigners who were engaged in or skilled in a specific activity (STTS 2, II/94).

Trade, including credit operations, was the dominant economic sector in cities that included foreigners to which the statutes paid great attention. Cities protected their own production of elite crops of wine, oil and salt, which were intended for export and prevented their import, while on the other hand they openly accepted the import of food and other goods that were in short supply in the cities. In this sense, they limited or supported the activity of foreigners. Commercial operations had to be conducted in an orderly manner and according to rules. Disputes that arose between cities under Venetian rule due to seizures of trade goods were resolved by the Venetian Doge.<sup>27</sup>

26 The statutes of other Istrian cities also mention foreigners in relation to the treatment of the suburban and urban environment. Agricultural activity by locals outside the district was occasionally prohibited, as in Oprtalj (STOP, 80), arbitrary felling in the forest, cutting of fruit trees, vines and carrying away of branches by foreigners (and locals) was not permitted in Umag, Buje, Oprtalj, Motovun, Poreč, Sv. Lovreč, Bale, Labin (STUM, IV/71; STBU, 50; STOP, 62; STMO, 108; STPO, III/26, 44; STSL, IV/21; STBA, 54, 151; STLA, II/19, 20), nor (in Bale) was the burning of vineyards (STBA, 23). Statutes of Umag, Grožnjan, Motovun, Poreč, Rovinj, Dvigrad, Bale, Pula, Labin restricted the access and grazing of foreign livestock, and livestock partnerships with foreigners (STUM, IV/75; STGR, II/101, IV/27; STMO, 168, 171, 261; STPO, III/3, 25, 56; STRO, I/27; STDV, 174; STBA, 80; STPU, III/45; STLA, additions from the fifteenth century, 4, 38). Foreigners were prohibited from polluting the city in Poreč (STPO, III/7), and in Sv. Lovreč they were not allowed to raise pigs (STSL, IV/29).

27 In 1434, the people of Izola bought staves for making wine barrels in the territory of Grožnjan. In Piran they were detained for local needs, as was a shipment of wheat that the people of Izola had transported by sea from the area of *Polesana* and elsewhere to Izola. The Doge intervened; he informed the people of Izola that he had sent a message to Piran that the people of Izola were allowed to transport the grain and wood for staves from Piran to Izola (STIZ, IV/52).

Anyone who bought something from a foreigner in Trieste or its district had to pay for it the same (STTS 2, II/116) or the next day. If they bought on credit, they had to pay within the agreed upon period. A debtor who did not pay a foreigner – whether a citizen, inhabitant, resident of the surrounding area or a foreigner living in the city or district of Trieste – had to stand in the communal palace until he settled the debt. If he did not do this, he was jailed until he paid or came to an agreement with the creditor. The debtor was summoned twice, and then, at the request of the foreigner, his property was seized and sold at auction. However, the authorities did not process foreigners for sales exceeding 50 pounds (STTS 3, II/64). According to a later amendment, citizens, residents of Trieste and foreigners were allowed to sell and lend any goods up to the amount specified in the stipulation (STTS 3, II/64, *additio* 1432). The punishment of a foreigner who unknowingly bought stolen goods was at the discretion of the Dominion (STTS 1, III/21; STTS 2, III/20). In Piran, when trading and borrowing, both citizens and foreigners had to be paid (STPI, 426). A citizen of Piran could not be banished (*in banno*) for a debt owed by foreigners, but had to pledge to pay a third of the profit to the creditor (STPI, 412–413). Neither citizens nor foreigners were allowed to lend at interest in Piran or its district (STPI, 609–611).

In Trieste, business records were recorded in the vicedominus' books. If a foreigner was indebted in the record, the debt was published. The foreigner, their heirs or representatives had eight days to object; if they did not appear, the promissory note was 'vicedominated', i.e. recorded in the vicedomin register (STTS 3, II/27). The appeal period for reporting violations was ten years, and for foreigners fifteen (STTS 2, III/54), and according to a later revision of the statutes, the claims of domestic and foreign creditors against the citizens of Trieste were no longer valid after fifteen years, unless the creditor initiated a dispute during that time (STTS 3, II/20). In Koper, business matters between the citizens of Koper and foreigners were first recorded in authentic form by a notary. The record was then read out in front of the parties in the vicedominus' office, and entered into a book where the vicedominus recorded the price of the property purchased from the foreigners (STKP, III/17). Foreigners' promissory notes were renewed within a period of twenty years, twice the period applicable to locals (STKP, II/67).

In order to keep foreign merchants under control, in Trieste they had a brick house built behind the communal palace, next to the arches of the city walls, covered with tiles, where Slavic or German merchants (*mercatores sclabi sive thetonici*) and other foreigners who brought food to Trieste could comfortably accommodate themselves with their horses and other animals (STTS 2, IV/37). Nearby, in *staraticum*, where the tax collector used a *sextarius* to weigh and measure flour, wheat, lentils, or other grains, nuts, chestnuts, and the like for the seller and buyer, locals were not allowed to have utensils. Instead, the tax collector kept utensils there: *chabacula*, *urnas*, and *alia vasa* for the use of foreigners (STTS 2, IV/8).

## Trading in Food and Other Goods

Anyone who brought grain to **Trieste** had to have it measured by the taxman – the tenant of *staraticum*. Everyone was allowed to buy grain in Trieste, but only bakers and innkeepers were allowed to take it out of Trieste. No bishop's farmer (*rusticus*) or farmer of Trieste citizens or residents was allowed to take grain from the Trieste district to sell to any foreigner, but farmers were allowed to trade grain with each other (STTS 2, IV/8). Outside of Trieste, it was forbidden to buy grain loaded on horses except to innkeepers, who then sold it only to guests. Travelling foreigners could also buy it to feed their horses (STTS 3, II/35).

In Trieste, foreigners were allowed to offer their bread for sale under the old lodge of Trieste, where the statutes expressly forbade female peddlers to sell fruit and the like (STTS 2, I/67). Only official bakeries were allowed to bake bread in the city and mark it. The podestà's companions (*familiares*) together with criers checked at the city gates if the bread brought by foreigners to the city was marked. If it was not, they interrogated the foreigners about who sold them the bread – also with the pillory's help. The seller was fined, unless it was a baker with a license to sell bakery products. Foreigners were allowed to deliver and sell their own bread in Trieste (STTS 2, I/77).

Anyone who wholesaled or retailed dry or salted meat, cheese, oil, wax or honey in shops, in the market or in the harbour in Trieste had to pay a tax of one penny per pound of what was sold. Foreigners had to pay for a sum under 25 pounds. If Germans, Slavs and foreigners (*teothonici, sclabi* and *forenses*) delivered cheese (*caseum teotonicum* or *scicum*), dried or salted meat to Trieste by land, they were exempt from paying taxes (STTS 2, IV/7). Due to strained relations, only those from Muggia who had property in the Trieste district were allowed to bring their produce to Trieste (STTS 2, II/68).

Every year on the Feast of Saint Bartholmew the Apostle (24 August) a tax on fish was levied in Trieste, the lease lasting from 7 September. A citizen or resident of Trieste, or a foreigner who sold or had fish sold in the city's fish market or elsewhere in its district had to pay a twelfth for the tax: one penny per shilling of the proceeds, the same for salted or dried fish. The citizens of Trieste who sold fish outside the district, were also obliged to pay the tax (STTS 2, IV/6). Buying fish for a foreigner was not allowed (STTS 2, II/92).

On holidays, everyone was allowed to measure, load and unload wine, oil, salt, grain, flour and other goods for foreign merchants (STTS 3, III/82). It was forbidden to sell or have for sale in Trieste or at the city gates any goods such as: bales of linen, sandals, linen cloth, furs, clay vessels (*panni tellae, sotulares, linum, peliciae, vasa terrea*) and the like, before the Church of St Justus rang the Elevation of the Lord (STTS 3, III/82, additio). The buyer of hemp cloth was not allowed to (re-) sell it to a foreigner for fifteen days (STTS 3, II/64, additio 1432). When the cloth was sold, it was measured in the prescribed manner with a marked and stamped ell (*brazolarium*), and foreign merchants were allowed to measure the cloth they sold on the table (*tabula*) and elsewhere, but with a fair measure (STTS 3, III/55).

In Trieste, the purchase of treated wood was taxed. Buyers were not allowed to resell wood to foreigners (STTS 3, II/64). Citizens of Trieste who bought treated wood for export were not obliged to pay the tax, but foreigners who bought wood for themselves or through others on their behalf had to pay the tax (STTS 3, II/64, additio 1492). It was also forbidden to sell stones from communal land to foreigners (STTS 2, IV/69).

Trieste blacksmiths, tailors, shoemakers and weavers had to practice their craft conscientiously and were forbidden to neglect tasks for the local townspeople for the benefit of foreigners (STTS 1, I/88, 91, 94; STTS 2, I/53–55, 73). For the exchange of money to foreigners or foreign traders, the Trieste statutes prescribed an exchange rate restriction or prohibition if necessary (STTS 1, II/80; STTS 2, II/48; STTS 3, III/95).

In **Muggia**, every foreigner was allowed to sell their goods without tax (STMU 1, II/184; STMU 2, II/67). Slavs (*sclabi*) were allowed to sell grain, flour, vegetables and lard, which they brought to Muggia (STMU 2, IV/42 (39)). When a foreigner brought their goods to Muggia to sell, neither citizen nor foreigner was allowed to buy any of them within the territory of *Taglada* except in the communal square (STMU 1, II/120; STMU 2, II/27). If a citizen, resident or foreigner brought goods to Muggia for resale, he had to first offer them for sale for one day at the price he paid, unless he obtained the goods by barter (STMU 2, VI/26). When selling or buying, the fruit of foreigners in Muggia had to be measured with a special official *brenta* (STMU 2, VII/89).

If a foreigner in Muggia delivered wheat, other grain or flour to the commune on trust, it collected payment from all who were supposed to pay. If, however, a foreigner delivered wheat, grain or flour on trust to the private citizens of Muggia, the Dominion settled with the foreigner and forced the debtors to pay (STMU 1, II/189). On the other hand, no one from Muggia was allowed to sell wheat, flour, other grain, foodstuffs, and skins of animals slaughtered in the Muggia slaughterhouse to a foreigner without permission (STMU 1, II/76). If a citizen or inhabitant of Muggia bought small cattle, they were not allowed to resell it wholesale or send it from the Muggia district to a foreigner, unless they received an offer significantly better than from the butchers in Muggia: 2 extra shillings per animal (STMU 2, V/96). A citizen, a resident of Muggia, or a foreigner were not allowed to buy in the district of Muggia goats, lambs, hens or goods brought on pack animals, nor to receive suppliers at home or in a shop, unless they first unloaded the cargo in the square, so that it could be seen by buyers. This did not apply to wood delivered on animals and wagons (STMU 2, VI/23).

Fishermen – citizens and foreigners – who fished in the waters of the Muggia district were only allowed to sell their catch in Muggia (STMU 1, II/137). A citizen, a resident of Muggia, or a foreigner who sold fish, especially *menole* had to sell 12 fish for a shilling (a penny per fish) during Lent, without counting the small fish. However, if a local or foreigner brought larger fish to Muggia to sell, he sold a fish weighing one pound for 2 shillings (STMU 2, V/27). Foreign and domestic fishermen who sold fish weighing half a pound or over a pound had to sell the fish at a price of 2 shillings per pound (STMU 2, VI/32).



Fig. 5: The municipal palace in Muggia (Tischbein, 1842).

No one was allowed to deliver foreign tallow or tallow for resale to Muggia (STMU 2, V/120). Neither a citizen nor a foreigner was allowed to sell or give away *arsenicum* or any other type of poison in Muggia without the express permission of the podestà (STMU 2, V/124). The citizens and residents of Muggia, who had pharmacies where they sold oil, cheese, meat, salt and medicines (*speciaria*), pearls (*margarita?*), cloth and the like, were not allowed to buy or have any goods bought from foreigners for resale (STMU 2, VI/21). In terms of prices, the shopkeepers (*stacionarii*) in Muggia followed the neighbouring ‘foreign’ cities of Koper and Trieste. Cheese, oil, salted meat, pepper, wax and other goods had to be offered at the same price as in the shops in Koper and Trieste. The Dominion ordered an inquiry into prices in the two cities (STMU 1, II/122).

Settlers (*vicinus*) were allowed to break stones in the *Ceredum* forest in Muggia for their own needs. However, they were not allowed to give, sell or otherwise dispose of the stones to a foreigner, unless this was permitted by the (podestà and) great council (STMU 1, II/181; STMU 2, II/65). Regardless of the permission, whoever sold or otherwise gave the stones to a foreigner had to pay to the Muggia commune a tenth of the value (STMU 1, II/182; STMU 2, II/66).

Before the subjugation of Muggia by Venice, shoemakers were not allowed to make or sell or have in their workshop sandals made from Venetian hides from the flanks of animals (*de flanchis*) processed in Venice, Friuli or *in Carentano*. They were not allowed to sole shoes with the said skins, but they could use hides processed in Muggia, Koper or Trieste to make the rest of the shoe (STMU 1, II/142).<sup>28</sup>

In (Venetian) **Koper**, locals and foreigners were forbidden to transport grain and foodstuffs from the city by land or sea, except to Venice, without the permission of the podestà. The offender also lost the pack animal and the vessel. A farmer was not allowed to carry wood, hay or foodstuffs from the Koper district without the owner's permission (STKP, I/33). Neither a native nor a foreigner, nor anyone for the latter, was allowed to buy wheat, flour, other foodstuffs (*frumentum, farinam, alia uictualia*), nor iron, wood, salted cheese, salted pork (*ferum, lignamen, caseum salitum, carnes salitas porcinas*) in Koper, nor other goods for resale except in communal squares four hours after the goods have been delivered. This applied to goods brought into the city from outside, but not to truckers-peddlers (*musselati*) and other merchants who sold by balance or communal weight (*ad pondus statere sive ad pesam comunis*), who did not have to wait for four hours to pass before selling (STKP, I/34). Grain or legumes (*legumen*) were sold wholesale according to the communal measures, except for truckers-peddlers or other foreigners who brought grain or flour to Koper (STKP, III/34). Local and foreign fishermen who came to Koper to sell fish had to deliver all the fish to the fishmonger only, as soon as they stepped ashore. If the seller could not sell the fish on the same day, he had to cut off the tail of the unsold ones, as a sign that they were not fresh (STKP, III/46).

In Koper, millers were allowed to grind grain for fellow citizens (*conciues*) and residents (*habitatores*), but were allowed to grind only one sack (*saccum*) or one load (*soma*, 154 kilograms: Herkov, 1971, 91) for foreigners (STKP, I/5). Millers and the innkeeper near Rižana river were not allowed to sell grain and flour to foreigners (STKP, I/6). On the Feast of Mary's Ascension (15 August), a weekly fair was held at the mouth of Rižana. Order was maintained by 25 horsemen of the podestà's *comestabilis* with around 40 armed footmen *inter ciues et forenses* (STKP, III/51).

In **Izola**, only tax lessees were allowed to retail bread. If a foreigner brought bread to Izola to sell, he was allowed to sell it at the square and pay the 2 shillings tax for each quarter (*quarta*, i.e. 40 pounds) of the sold bread (STIZ, IV/68). Neither locals nor foreigners in Izola were allowed to buy small or large, dead or alive animals for retail sale to citizens and residents, except for butchers and lessees of the butcher's tax (STIZ, IV/91).

In **Piran**, it was not allowed to sell grain from one's own crop or from a livestock partnership to a foreigner without the podestà's permission (STPI, 697). If Piran residents sold prohibited goods to a foreigner to take them out of Piran, they were fined, and the sale was invalid (STPI, 536–537). The officials *iusticiarii* who weighed the flour of foreigners in Piran had to record the weight in their notebooks and make a statement to the foreigners (STPI, 122–129). In Piran, fruit was sold by weight (*ad pondus*), and retail without. Foreigners who brought fruit were allowed to sell it as they wished (STPI, 595).

28 This stipulation was omitted from the later version of the statutes.

Bread for sale was baked by communal bakers appointed by the podestà and judges. Anyone who brought foreign bread to Piran was allowed to sell it with the permission of the podestà (STPI, 593–594). Innkeepers also baked bread (STPI, 641–643). In the Piran butcher's shop, there were two tables exclusively for foreigners to prepare meat (STPI, 639). Setting deadlines for foreigners regarding bread, meat and other foodstuffs was at the discretion of the podestà (STPI, 402).

The lessees of the fishing waters (*paludes*) had to bring the fish to be sold only in Piran. Foreigners were allowed to fish on the condition that they offered the catch for sale in Piran (STPI, 720–721). Citizens and foreigners who sold fish in Piran, except for fishermen – lessees of fishing waters, had to pay a penny from each shilling of proceeds. If a citizen or inhabitant had a partnership with a foreigner and caught fish for sale, they paid tax regardless of where they sold the fish. Anyone who bought foreign fish in the port or Piran district to resell them paid the tax. No citizen or inhabitant of Piran was allowed to buy foreign fish for resale from the cape Savudrija to Loreto, if they did not pay the tax (STPI, 735–736).

Commune revenues from inns, butchers' shops, salt pans, fishing waters, guesthouses, official measures *urne* and *stari* were awarded annually at an auction to fellow citizens (*concives*) or residents (*habitatores*) of Piran who lived in Piran for more than a year and not to foreigners. The latter, however, were allowed to lease fishing waters, but they had to guarantee that they would bring the fish to Piran and pay the rent (STPI, 645–647).<sup>29</sup>

29 The participation of foreigners in the trade in food and other goods is also mentioned in the statutes of other Istrian towns. Locals and foreigners were not allowed to use inappropriate measures in Bale (STBA, 68), and in Vodnjan, a bargain between a local and a foreigner was valid if the buyer placed a pledge (STVO, II/26). In Rovinj, selling prohibited items to foreigners was punishable by a fine (STRO, III/25). In Motovun, goods from foreigners were only allowed to be bought at the market (STMO, 64). In Rovinj, goods from foreigners had to wait three days at the market before being sold (STRO, II/87). In Vodnjan, local residents and foreigners were only allowed to buy goods for resale at the market (STVO, II/26). Locals were only allowed to buy grain, wine, cheese, etc., delivered by a foreigner to the port or castle in Labin after eight days had passed (STLA, II/18). In Sv. Lovreč, goods purchased from foreigners were allowed to be resold at the purchase price on the day of purchase (STSL, II/21). Neither a local nor a foreigner was allowed to load grain, wine, cheese, wool, animals and other goods for export in the port of Pula without the permission of the authorities (STPU, III/51). In Sv. Lovreč and in Bale, the export and sale of grain outside the district was prohibited to locals and foreigners (STSL, IV/33; STBA, 43), and in Pula, it was not allowed to accept money for grain from foreigners (STPU, IV/23). In Bale and Pula, livestock delivered by foreigners could only be purchased after three days (STBA, 52; STPU, III/36, IV/23), in Motovun, pigs are mentioned in this regard (STMO, 180). In Pula, foreigners were involved in the delivery of livestock by land and by ship, its unloading, and in the delivery and export of horses (STPU, III/38, III/54, IV/40). In Sv. Lovreč, foreigners were allowed to export fatty ingredients (cheese, hides, *galla*) and animals, but not for slaughter (STSL, II/2, 4). In Umag, foreigners had to sell the meat of animals slaughtered in a butcher's shop (STUM, IV/50). In Motovun and Poreč, foreigners were prohibited from selling animal skins, and they were not allowed to take them out of town (STMO, 79; STPO, II/103), but in Sv. Lovreč, local shoemakers were allowed to buy skins from foreigners and export them (STSL, II/6). Foreigners paid a tax when selling fish in Umag and Poreč (STUM, IV/48; STPO, II/104), in Rovinj, foreign fishermen were taxed the same as locals (STRO, II/35), and in Pula, foreigners were prohibited from trawling in the port (STPU, IV/19). Foreigners bought wood in Novigrad (STNG, I/13), sold fabrics in Rovinj (STRO, III/29), and the Pula statutes even mention how to proceed when selling a vessel brought in by a foreigner (STPU, III/37).

## Trading in Wine and Oil

The outstanding export products, vital to Istria, were wine and olive oil. The cities controlled their production and protected their own interests in doing business with it. Wine and oil from Istrian towns under Venetian rule could be exported via Friuli on payment of a tax to Venice (STIZ, IV/193, 194, 196).<sup>30</sup> In 1473, the Doge of Venice ordered that oil should not be exported or transported anywhere other than to Venice; in 1474, he restored the old practice of transport via Friuli on payment of a tax (STIZ, IV/196).

It was forbidden to carry or drive foreign wine and oil to **Trieste**. Residents of Trieste who did not carry out neighbourhood duties (*facere vicinitatem*<sup>31</sup>) and lived in the city were not allowed to bring or have wine brought to Trieste. However, the podestà was allowed to bring wine and other foodstuffs for himself and his family except *raibiola* wine (STTS 1, IV/4, 5). Venetians, monks, clerics and monasteries with vineyards in the Trieste district were allowed to bring wine to the city (STTS 1, IV/5). Despite the strained relations between Trieste and Muggia, the people of Muggia, who had property in the Trieste district, were allowed to bring their produce to Trieste (STTS 2, II/67, 68).

Wine produced in a half-crop manner (*ad medietatem*) outside the Trieste district was not allowed to be delivered to the city. Foreigners were not allowed to deliver wine produced elsewhere without the Dominion's approval. Permission to cellar the wine could only be given to them by the majority of the members of the Dominion (STTS 1, IV/1). Foreign merchants were allowed to deliver to the city and district of Trieste all foreign wine and oil with the intention of taking it away from Trieste; they could unload it anywhere, but not store it in the cellar. Everyone was allowed to bring up to one quarter (*quarta*)<sup>32</sup> of *malvasia*, *romania* or *tirum* to Trieste for their own consumption. It was also allowed for a sailor or helmsman (*nauta* or *auriga*), cartman or anyone else, foreigner or not, who came from elsewhere to bring excess foreign wine or oil to Trieste (STTS 3, III/64). A resident of Trieste, a foreigner or a merchant was not allowed to carry wine between the *Magagnade* and *Salburii* bridges. If a resident of Trieste had wine carried there for foreigners, both were punished: the one who had the wine carried and the one who carried it (STTS 3, III/64, additio 1495).

No resident of Trieste was allowed to buy wine for a foreigner outside the city or connect with a foreigner to buy wine elsewhere in order to bring it to Trieste. They were not allowed to buy wine or have a wine partnership from or in the villages of *Copchena* (Košana?), *Bistrica* (Bistrica), *Prosecho* (Prosek/Prosecco), *Sancta Cruce* (Križ/Santa Croce), *Sanctus Primos* (Sveti Primož), *valis Mocho* (Mokovo/Mocco Valley). They were not allowed to buy wine from foreigners that was not in wine cellars in order to deliver it to Trieste (STTS 1, IV/5; STTS 2, II/62). No one who was not from the Mocco Valley was allowed to bring in foreign wine produced outside the

30 Red wine, *zonta* and vinegar from Izola were exported to the Pula region in exchange for grain, cheese, wood, iron products and firewood (STIZ, IV/164, 187).

31 *Vicinitas*: i.e. neighbourhood, citizenship (Niermeyer, 1976, 1096), or *droit de cité*, city law, city rights (Blaise, 1975, 956).

32 A quarter of *urna* (i.e. of 64.7 litres) would measure just over 16 litres (Mihelič, 1989, 25).

diocese and Trieste district and put it in the cellar, and no one was allowed to accept this wine into his house (STTS 1, IV/5). A foreigner who did not live in Trieste or the mentioned villages was not allowed to store wine in the wine cellars of these villages, and the locals of these villages were not allowed to accept foreign wine for storage, with some exceptions: the sons of a Mr Durnich from the Mocco Valley and other farmers of Trieste citizens and foreigners, who had had their own wine cellars in those villages for ten years (STTS 2, II/63). A foreigner who did not permanently live in Trieste was not allowed to buy wine in Trieste during the harvest to store it in a wine cellar and sell it in Trieste (STTS 2, II/64). Anyone who came to live in Trieste and performed duties and activities like other citizens of Trieste was considered a foreigner until he built a house in the *Prelaser* district. However, he was allowed to deliver to Trieste wine from his vineyards in the Trieste district (STTS 2, I/52).

A tax was paid from the wholesale sale of wine, which was called every year in December, and the lease lasted for one year from 10 January. The buyer of wine had to pay the taxman 1 groat per *urna*, and 2 groats if he bought the wine for sale in a tavern. Foreigners who bought wine to take it out of Trieste were exempted from paying the tax. However, if they resold the wine in Trieste, they were obliged to pay a fee. A foreigner from Trieste was not allowed to buy a barrel or barrels of wine for a citizen or inhabitant of Trieste, or to have a share in the purchase of wine (STTS 2, IV/5).

Retail wine sales took place in taverns. Trieste innkeepers had to adhere to officially defined measures. First, they sold foreign wine for fifteen days, and in the following eight days they settled with the owner of the wine and the tax collector (STTS 2, I/40). The *dacium tabernarie* for the retail sale of wine was announced in Trieste in April, the lease lasted for one year from 1 May. Citizens of Trieste, residents or foreigners who retailed or had unsold wine from their own vineyards or other wine sold in a tavern had to pay the taxman 1 groat per *urna* of wine sold, and 2 groats per *urna* if they resold wine. If foreigners did not want to pay this tax, those who sold them the wine had to settle the tax for them (STTS 2, IV/4). The tax for the inn (*officium tabernarie*) was only allowed to be rented by a citizen of Trieste (STTS 1, IV/15). Neither a resident of Trieste nor a foreigner was allowed to pour wine from a barrel into another wine container for anyone (STTS 2, II/113).

Also, no one was allowed to deliver or have foreign wine delivered to **Muggia** to sell it there or store it in a wine cellar. However, if a merchant who had bought wine elsewhere wanted to come to Muggia with a vessel or barge loaded with wine to load additional wine at the port, he was allowed to do so without disembarking the brought wine for sale. Foreigners who had vineyards in the Muggia district could bring grapes and wine to Muggia and load them on a barge or elsewhere. Wine was carried on the roads, but it was not allowed to store it in wine cellars or to sell it in Muggia. The people of Muggia were not allowed to bring, have brought or store in the wine cellars in Muggia the wine of any foreigner. According to statutes from 1420, foreigners were allowed to store wine in wine cellars, but not to sell it either wholesale or retail in Muggia. Locals and foreigners were allowed to bring or have brought to Muggia one *urna* of foreign wine for their own needs, and the podestà was allowed to bring during

his mandate up to three *amphorae*<sup>33</sup> of wine for himself (STMU 1, II/101; STMU 2, II/16, 20). When a citizen or inhabitant of Muggia brought a merchant to his winery to buy wine, no citizen, resident of Muggia, or foreigner was allowed to go there unless the owner of the wine or merchant had invited them (STMU 1, II/170). No one was to bring or order to be brought into Muggia *žonta* (*iuncta*) or other foreign liquors without permission (STMU 2, V/72).

In Muggia, no one who was not a settler (*vicinus*) was allowed to sell or have their wine sold at an inn, unless they lived in Muggia and performed duties like other local people. No citizen and inhabitant of Muggia was allowed to sell wine belonging to a foreigner or to buy wine from a foreigner or from someone on their behalf at an inn (STMU 2, I/20). The innkeeper was not allowed to sell wine before the Low Mass celebrated in Muggia on Sundays and holidays, except to a foreigner or a citizen who was going on a journey from Muggia. Before the service on Good Friday, the inns had to remain closed (STMU 1, II/79).

Locals and foreigners were forbidden to deliver foreign wine or grapes for wine production to **Koper**, except from their own vineyard. Harvesting from one's own vineyard abroad had to be announced and a certificate obtained (STKP, I/31).

When the evening bell fell silent in Koper at night, no one was allowed to stay or enter the inn or keep the inn open and give drink to the citizens of Koper except for the foreigners who lived at inns (STKP, III/29). Whoever was caught gambling at home or in a tavern was fined, whether they were a citizen, a foreigner, or a mercenary horseman or footman. The hosts and observers of the game were also fined (STKP, I/41).

A citizen, inhabitant (*citadin ò habitante*) of **Izola** or a foreigner (*forestiero*) who wanted to take away grapes or wine from his vineyards in Izola and its district had to pay a tax of 6 pennies for every *urna* of wine or for the corresponding amount of grapes. Anyone who brought wine or grapes to Izola and sold them there had to pay the same (STIZ III/109). Locals and foreigners (*persona terigena, forensis*), Christians and Jews were allowed to buy oil in Izola; the minimum price per *urna* was 14 pounds (STIZ, IV/21).

A resident of Izola was not allowed to buy wine wholesale from anyone from Izola with the intention of reselling it to foreign merchants, except at an inn (STIZ, IV/122). It was not allowed to buy foreign wine for retail sale (*ad spinam*) (STIZ, IV/78). Neither a local nor a foreigner was allowed to sell wine at retail in Izola without using the official measure of the *iusticiarii* (STIZ, III/21). An Isola resident, native or foreigner, was not allowed to sell wine at retail at a tavern on credit, except against a pledge (STIZ, II/88). At night when the bell rang for the third time, no citizen or foreigner was allowed to stay or come to the inn for a drink (STIZ, I/60).

In the **Piran** area, it was forbidden to unload more than one *urna* of foreign wine or oil without the permission of the podestà. No citizen or foreigner was allowed to

33 In a later redaction (STMU 2), the amount of wine for the podestà was not specified, but the castellan of Muggia could also bring wine for his own use.

buy wine or oil brought by a foreigner overland (STPI, 618).<sup>34</sup> In 1395, it was generally forbidden to unload foreign oil in Piran (STPI, 618–619). Foreign wine had to be declared by the syndics (STPI, 217).

It was not allowed to deliver grapes or olives from foreign districts to Piran, except to the citizens and residents of Piran from their own properties abroad (STPI, 622). Those who had vineyards outside the Piran district were allowed to bring grapes to Piran during the harvest and show them to the podestà or one of the judges. Foreign wine from the surrounding territories and villages, which was supposed to be taken elsewhere, had to be sold and indicated where it came from (STPI, 622–623).

Foreign consumers of Piran wine were welcome in Piran. Some people from Piran fraudulently sold low-quality wine from Gaz in Sečovlje as good wine, thus dissuading traders who came to Piran to buy wine. Therefore, in 1373, a ban was introduced on the sale of wine from a part of Sečovlje from harvest to the Feast of Saint Andrew (30 November). No one was allowed to buy this wine or have it bought for export (STPI, 619–622).

No citizen of Piran was allowed to buy or accept foreign wine for retail sale (*uendere ad spinam*). A native was not allowed to buy foreign wine to sell it himself or order another to sell it (STPI, 614). Even a foreigner was not allowed to retail the wine of foreigners (STPI, 614). However, during the *festum Saluoris*, foreigners were allowed to sell foreign wine upon payment of a tax, and domestic and foreign trade goods could then be sold and bought wholesale and retail (STPI, 571–573).

Innkeepers were allowed to sell wine and bake bread for sale from communal grain in Piran upon payment of tax. No one else was allowed to own an inn in Piran or offer lodging for money (STPI, 641–643). Until 1466, (foreign) merchants and other persons could not settle anywhere else than above the inn. Afterwards, everyone was allowed to provide them with lodging, but had to pay 3 ducats annually to the commune. The innkeepers were allowed to offer lodging in the inn to any foreigner (STPI, 643–644). The guesthouse (*hostaria*) in Sečovlje was rented for two years. The manager provided food and drink to locals and foreigners and maintained two clean beds for the accommodation of travellers (STPI, 572–573).<sup>35</sup>

34 Permission from the podestà was also required for the export of Piran wine and oil (STPI, 706–707).

35 The prohibition of the delivery of foreign wine to foreigners in a town or its district, except in cases where there was a shortage of domestic wine, is mentioned in STUM, IV/46; STGR, II/87; STMO, 209; STPO, II/58; STRO, I/31; STSL, II/88; STBA, 83; STPU, IV/15a. To load wine at the port of Pula for export, locals and foreigners required necessary permission from the authorities (STPU, III/51). Locals and foreigners were only allowed to sell wine in Motovun at a prescribed price (STMO, 136, 196). In Rovinj, a local or foreigner who brought wine into the town for retail sale had to pay a tax, and a foreigner was only allowed to have an inn with an appropriate guarantee (STRO, I/32). If a foreigner brought wine to the port of Labin, it was only allowed to be purchased after eight days (STLA, II/18). In Poreč, foreigners were allowed to sell *zonta* tax-free on vessels along the coast (STPO, III/50). In Novigrad, foreigners came to buy wine and wood (STNG, I/13), in Rovinj, innkeepers were allowed to serve foreigners wine before High Mass, which was not allowed to locals (STRO, III/2). A foreigner or resident was allowed to export a limited amount of oil from Sv. Lovreč (STSL, II/3), and in Labin, a foreigner or a domestic oil merchant was only allowed to sell oil at an agreed price (STLA, II/21).

## Salt Trade

Another extremely important raw material, the production of which was booming in the investigated cities, was salt.<sup>36</sup> Statutes regulated both the maintenance of salt pans and the trade in salt, as well as the inter-neighbourly relations of cities regarding the ownership of salt pans and the salt business. Salt smuggling flourished in many places (Darovec, 2001). Salt smugglers sailed to Trieste and elsewhere in Istria in broad daylight with many vessels and loaded them with salt. Those caught smuggling more than 1 *modium* (a good 750 litres (Mihelič, 1989)) of salt on vessels and barges were to be hanged between two pillars, according to the Doge's order (1473). Whoever caught them would receive 100 ducats and a vessel, while the salt would be confiscated by the Dominion at the usual price (STIZ, IV/168).

In **Trieste**, the tax of one-sixth (*sexterium*) from the salt pans of Zaule/Žavlje (*de Çaulis*) and *de Gariçulis* was leased every year on 4 April. A citizen and inhabitant of Trieste or a foreigner who owned salt pans in the Trieste district had to pay the lessee a tax of one *starus* (62.4 litres (Mihelič, 1989)) for every six *stari* of salt produced. If they brought salt to Trieste, they were not allowed to unload it without the permission of the taxman or his emissary (STTS 2, IV/10). The people of Trieste with salt pans outside the Trieste district were allowed to bring salt to Trieste. Those who had salt pans in the Muggia district around San Clemente, had to bring salt to Trieste, not to Muggia. If they were obliged to pay a sixth in Muggia, they had to do so (STTS 2, IV/54).

A citizen, resident or foreigner from Trieste, who delivered salt to Trieste by land or sea, had to pay the lessee a tax on the sale of salt of 4 shillings per *modium* (12 *stari*, i.e. approx. 750 litres (Mihelič, 1989)) of salt. Buyers of this salt in Trieste also owed the same sum, except for foreigners who bought salt in Trieste to take it elsewhere on carts, horses or other animals or on their backs (STTS 2, IV/3).

In **Muggia**, the municipality allocated the land for the construction of salt pans to interested parties for a period of up to four years. When these started to produce salt, a *sexterium*, a sixth of the salt production, had to be paid (STMU 1, II/175). One out of eight *modia*, was paid as a tax from the salt yield of foreigners and citizens. Three percent *de calo* went to the 'official of the sixth' (STMU 2, IV/68 (65)). The salt pans of locals and foreigners in Muggia that needed repair were reported to be restored by the owners (STMU 2, IV/70 (67)).

No owners (*patronus*) and workers in the salt pans of San Clemente in the Muggia district, nor the porters who helped carry the salt, were allowed to give, sell, alienate or exchange salt at San Clemente or in the salt pans, nor exchange it for wine or anything else with a citizen, resident or foreigner, if they were not previously offered an adequate guarantee to the Dominion of Muggia that he will deliver all the salt to Muggia (STMU 1, II/158). A citizen or inhabitant of Muggia was not

36 Of the other Istrian towns, only the statutes of Poreč mention foreigners in relation to the delivery of salt: Salt brought by a foreigner was only allowed to be purchased for domestic use, not for resale (STPO, III/46).

allowed to sell salt to a citizen or inhabitant of Trieste or send it there, otherwise the salt and the pack animal would be confiscated, and they would have to pay a fine of 100 pounds (STMU 2, V/145). They were not allowed to receive a share, gift, salary or enter into other agreements with a resident of Trieste or a foreigner regarding the sale of salt, purchase, bargaining, purchase of salt on credit or in any other way. A foreigner was threatened with confiscation of salt and three months in prison (STMU 2, IV/43 (39)). A foreigner, male or female, was not allowed to sell or buy salt either retail or wholesale in Muggia and its district. Foreigners were forbidden to store (*incanipare*) salt, except for subjects of Venice (STMU 2, II/19; STMU 2, IV/87 (84)). The salt of the Trieste owners was not allowed to be taken from Muggia without permission, except by land transport to Trieste for storage. It was allowed to be sold only when it was in the warehouses. The offender lost the salt and paid a fine (STMU 2, IV/42 (39)).

A citizen or a foreigner who exported salt by sea from Muggia had to pay the toll collector (*daciarius mute*) 2 shillings of customs duty for a *starus* of salt, except for salt destined for citizens of Grado/Gradež (STMU 2, VI/6). A citizen or inhabitant of Muggia who sold salt to Carniolians (*Crantii*) or other foreigners was not allowed to send them away without a drink, which he did not offer at his home (STMU 2, VI/124).<sup>37</sup>

**Piran** struggled with salt smuggling. The penalty for the offense was 100 pounds; it was also possible to confiscate the salt pans and sell them at auction. A citizen or foreigner who was caught had to pay the penalty and spend six months in jail (STPI, 700–705).

## RIGHT OF FOREIGNERS TO REAL ESTATE

Cities denied foreigners ownership of real estate in their territory. A **Trieste** citizen was not allowed to donate or alienate property to a foreigner unless the latter had sworn an oath and implemented the Trieste neighbourhood duties (*vicinitas*) within four months with the consent of the great council. Also, in a will or codicil or in any other way upon death, Trieste citizens were not allowed to bequeath their movable property worth more than 25 pounds to relatives who were not Trieste citizens and who did not carry out the neighbourhood duties (*facere vicinitatem*) or who did not want to perform them or did not want permanent residence (*habitatio perpetua*) in Trieste like citizens (STTS 1, II/118; STTS 2, IV/57). Property that someone in the Trieste district had sold or alienated to a foreigner could be re-acquired by a seller's relative within three years for the same price (STTS 1, III/32). A citizen was not allowed to bequeath real estate even to close relatives who were not citizens and not included in the neighbourhood nor lived in Trieste; they had to sort this within four months of the testator's death (STTS 1, II/119). The property of the deceased without a written will belonged to relatives who lived in Trieste and fulfilled communal obligations (*factiones*), but not to foreigners and those who lived elsewhere (STTS 2, III/28). A Trieste citizen was not allowed to

37 The purpose of this stipulation was to increase the revenues of the inns.



Fig. 6: The municipal palace in Piran (Caprin, 1905, 204–205).

sell, exchange or alienate property in the city or the Trieste district to a foreigner, but he was allowed to have the land cultivated by foreigners. The prohibition did not apply to relatives and to the exchange of property with a foreigner with the consent of the Dominion. Citizens were allowed to exchange property in the city with a foreigner, except in the area from St James Gate along the road to *Puteus maris*, across the city square, along the upper road and across the upper square to the crossroads. A Trieste citizen was not allowed to buy any property for a foreigner and give the foreigner the fruits thereof (STTS 1, II/115, 117; STTS 2, IV/56, 58) or accept it as a pledge (STTS 3, II/39). A Trieste citizen who lived in the countryside (*habitans in terra*) was not allowed to alienate a field, vineyard or house in the Trieste district to a foreigner (*extraneo sive forensi*) except to a relative, or to lease it in a half-crop manner. He was allowed to exchange external (*extrinsecus*) property with a foreigner, if necessary, in which case the foreigner could pay up to 40 pennies to the citizen (STTS 1, II/114).

Whoever received a plot of land from the commune of Trieste to build a salt pan had to provide an appropriate guarantee that they would not alienate the salt pans to a foreigner and that they would maintain them in operation and repair them, and

lease one sixth of the salt production to the commune (STTS 2, IV/52). The owner of a salt pan in the Trieste district was not allowed to sell, alienate or obligate it to a foreigner in any way (STTS 2, IV/53).

Foreigners could not buy property at auction unless they had lived in Trieste for twelve years and performed the same duties as citizens of Trieste (STTS 1, II/115; STTS 2, IV/56). The auctioneer who sold a foreigner's property at auction had to hand over the proceeds to the owner on the same day (STTS 1, I/84). A foreigner who came to live in Trieste and carried out the obligations and activities of a Trieste citizen was considered a foreigner until he built a house in Trieste; he could own vineyards in the district that he cultivated himself or leased in a half-crop manner (STTS 2, I/52).

In the 1421 revision of the statutes, the restrictions on immovable property for foreigners were defined in more detail. A Trieste citizen or foreigner was not allowed to sell, alienate, pledge, give as a dowry, permanently or temporarily lease or cultivate, or bequeath in a will, or alienate in any way, a property or real estate to a foreigner who did not live in Trieste or its district. It was not possible to alienate real estate that a villager or peasant tenant (*vilanus* or *massarius*) of a foreigner who lived in Trieste or its district owned or acquired; this property could be alienated only to Trieste residents who were not allowed to serve a foreigner or be his peasants (*massarii*). Property could be acquired by diocesan local residents and peasants (*districtuales et massarii*). Foreigners were not allowed to inherit real estate either by will or without one. If a Trieste citizen left a property worth more than 25 pounds to a foreigner, the will was valid only if the foreigner came to live in Trieste within four months, was sworn in as a member of the neighbourhood (*iurare vicinanti*<sup>38</sup>) or was accepted by the great council as a citizen (*civis*). No one was allowed to acquire property for a foreigner in the name of the pledge, if the foreigner did not live in Trieste or its district. Even a notarial deed to this effect was invalid. However, it was permitted to exchange property on Trieste territory with a foreigner, if the foreigner's property offered in exchange was more valuable by least two marks (16 pounds) (STTS 3, II/38). Property sold by a foreigner in Trieste or its district to a citizen, resident or inhabitant of the surrounding area of Trieste (*civi, habitatori vel districtuali Tergesti*), could not be transferred by the buyer by right of kinship or neighbourliness (*ius propinquitatis vel vicinitatis*) to a recipient who was not a citizen, resident or inhabitant of the surrounding area of Trieste (STTS 3, II/37). A Trieste citizen was allowed to give any real estate in the city or district as a dowry and for pious purposes to a foreigner who lived in the city or district and was a Trieste citizen's *famulus* or *famula* – these could acquire and dispose of the real estate as a master or mistress if they lived in Trieste or its district (STTS 3, II/38).

In Trieste, foreigners were allowed to bequeath movable property to a native or a foreigner of their own free will, either by a notary public record or in their own handwriting (STTS 3, II/47). If someone died without a will, the wife inherited from

38 *Vicinantia*: neighbourhood, city law (Kostrenčič, 1978, 1255); or vicinage, township, village community (Niermeyer, 1976, 1095).

the husband and vice versa. If there was no surviving spouse, the property belonged to the princely authorities (*fisco serenissimi domini ducis Austriae*). When a foreigner died in Trieste without a will and his legitimate heirs appeared and claimed the deceased's property, it was restituted in full (STTS 3, II/52).

If a Trieste man married a foreign woman who was not *de natione Tergesti* and they had no children, he was allowed to bequeath the property he brought into the marriage to whomever he wished (STTS 2, IV/57). A foreign woman who married a Trieste man and had no children was allowed to dispose of her dowry in her will as she wished, but she was not allowed to bequeath her share of the property acquired in marriage to a foreigner. If she had no children, her relatives were allowed to inherit, even if she did not have a written will. Even if she had descendants, she was allowed to dedicate her will for pious purposes (STTS 3, II/38). For marriages concluded in the Karst (*in Carsis*), according to the 'old custom', the property and debts acquired during the marriage were joint, just as in the old Trieste custom. This was testified by foreign witnesses from the Karst or others who knew this custom (STTS 2, III/56).

A Trieste woman citizen was not allowed to marry a foreigner unless he had previously guaranteed to the commune that he and his heirs, like other Trieste citizens, would carry out the neighbourhood duties (*facere vicinitatem*) regarding his and his wife's property and with what they would acquire in marriage (STTS 1, II/54). A Trieste woman who married a foreigner could receive from her patron as a dowry any movable property, as well as real estate outside the Trieste district. However, she was not allowed to own or acquire as a dowry or otherwise real estate in the city worth more than 100 pounds (STTS 1, II/55; STTS 2, II/45 bis); this was doubled in the statutes of 1421 (STTS 3, III/60).

A Trieste citizen was not allowed to bequeath immovable property or its revenues to churches or other places of worship, with the exception of the Trieste brotherhoods. However, everyone was allowed to bequeath their own movable property to churches, clerics, monasteries and other places of worship. A Trieste citizen was not allowed to sell property in Trieste or its district to any priest, unless they had given the commune a guarantee that they would not sell or alienate the property to a foreigner (STTS 2, IV/57, 59).

If someone in Trieste left a residential building in a will or otherwise to the Dominican monastery from Koper or to the brothers of this place, the brothers were allowed to have this house for themselves and for their own comfort, but they were not allowed to alienate it or obligate it to a foreigner (STTS 2, IV/32). The brick, tiled house behind the city palace, intended for the residence of Slavic, German and other foreign merchants who delivered food to the city (STTS 2, IV/37), was put at the disposal of the merchants but remained the property of the commune.

In an interesting connection, foreigners are mentioned in the stipulation that a citizen of Trieste may not grant a fief to a fellow citizen or accept a fief from him except by sale or donation, in which case loyalty (*fidelitas*) does not apply. The exception to this were the fiefs that the citizens of Trieste held from non-citizens or foreign lords: *a*

*dominis non civibus* or *a dominis forensibus*; these fiefs were allowed to be granted by citizens to citizens (STTS 1, II/127; STTS 2, II/99).

The citizens and residents of Trieste and foreigners who owned real estate in Trieste and its district were obliged to answer to the Dominion of Trieste about this property (STTS 2, III/5). A foreigner could prove the right to real estate against the commune of Trieste or the people of Trieste only if they provided a ‘public document’ (*publicum instrumentum*) (STTS 3, II/30). If foreigners who owned real estate in Trieste or its district and had to defend themselves or someone else in court regarding this property was obstructed by a citizen, resident of Trieste and its district or a foreigner, the city captain, his deputy or vicar had to decide on the property. Foreigners in Trieste, except in some urgent cases, were not allowed to litigate among themselves before the Trieste authorities (STTS 3, II/4). When a foreigner suffered damage from the burning of a house, fruit, hay, pruned vines or preparing charcoal, the punishment for the perpetrator was determined by the Dominion; if the culprit was unable to compensate the injured foreigner for the damage, they were banished and their property confiscated, but if the culprit was unknown the damage was compensated for by the commune (STTS 1, II/31; STTS 2, II/27).

A citizen or inhabitant of **Muggia** was not allowed to alienate their property to a foreigner without the permission of the great council (STMU 1, II/155), or in a later version of the statutes: without the permission of the podestà or the great council, they were not allowed to sell, give, donate, exchange, alienate, pledge or encumber a vineyard, field or territory within a mile of the Ospo River towards the city (STMU 2, II/45). The appraisers were not allowed to sell or give real estate and property that was sold at auction to a foreigner or someone who would buy it and accept it for a foreigner, but only to the citizens or settlers (*cives aut vicini*) of Muggia (STMU 1, III/45). A foreigner who, without the permission of the Dominion, took possession of the property or territory of a commune or private individual would be fined, and the property would return to the master (STMU 1, II/191). The citizens and inhabitants of Muggia could regain possessions sold to foreigners within 25 years, and the same period was available to a foreigner who had alienated possessions to a foreigner (STMU 2, VII/98). Communal territory in Muggia could not be given or leased to foreigners (STMU 2, VII/82).

Upon the death of a foreigner, fellow settler (*convicinus*) or resident of Muggia in the town and its district without a will and heirs, their property was taken over and used by the commune for five years. If any of the deceased’s relatives came forth during these five years, the estate was handed over to them in full; if no one came, after five years half of the property was intended for Masses for the soul of the deceased and half was retained by the commune (STMU III/22; STMU 2, III/21).<sup>39</sup> The supplement mentioned that this also applied to newcomers (*advena*) who died outside the Muggia district (STMU 2, V/122).

The citizens of Muggia who lived abroad had to perform works (*opera*) corresponding to their obligatory monetary contribution in Muggia, while foreigners who had

39 Similar provisions are in STBU, 87; STOP, 99; STBZ, 94; STDV, 81; STBA 137; STVO, II/10.

property in its territory had to pay a contribution (*collecta*) and, like the citizens and inhabitants of Muggia, aid the community in the construction of walls, repair of roads or ‘other useful work’ (*utilia facienda*) (STMU 2, VI/57).

According to the statutes’ original stipulations, foreigners with vineyard property in the Muggia district were supposed to pay the commune 2 shillings per 1 *urna* of wine produced, which was later abandoned (STMU 2, VI/2).

Special attention was paid to the salt pans. No one was allowed to alienate, assign as a dowry or inheritance in a will to a foreigner the property in the Muggia district beyond the river or the salt pans or the territory of the salt pans of San Clemente. It was also forbidden to give or pledge the property as a dowry to a person who would marry a foreigner. It was not allowed to bequeath the said property or salt pans by will or codicil either to a foreigner or to a citizen or settler married to a foreigner. The commune reserved the Dominion and ownership of this territory and property. If a citizen or settler of Muggia, who owned salt pans, abandoned the *vicinanzia* of Muggia, the salt pans passed to the commune (STMU 1, II/156; STMU 2, II/46).

The citizens and inhabitants of Muggia and foreigners who owned property or land in the Muggia district had to repair the public and common roads at their own expense, according to the size of their property. For the Imperial road (*via imperiallis*) towards San Clemente they were allowed to take action against those responsible for damage on the road (STMU 2, V/112).

The **Koper** statutes did not deny foreigners ownership of real estate, in fact, they indirectly allowed it. A citizen of Koper who enjoyed a residential or agricultural property of a foreigner within or outside the Koper area for fifteen years, without a foreigner living in or outside Koper disputing this, was deemed to have acquired the real estate (STKP, II/22).

In **Izola**, the communal territory was forbidden to be sold (STIZ, I/71) or leased to foreigners (STIZ, IV/30, 80).<sup>40</sup> Communal rents were not collected from foreigners outside Izola and its district, but exclusively from those within (STIZ, IV/34). A foreigner could not acquire property through purchase via kinship unless they had first become a citizen of Izola and assumed citizen duties (*angarias terre Insule reales et personales*) (STIZ, IV/95). The property of a foreigner without children, parents, and other relatives was seized by the commune in Izola and inventoried. If, after a while, someone entitled to the inheritance came forth, the podestà returned the property to them (STIZ, II/19). Slavs and Friulians, farmers in the lowlands (*rustici*) and hills (*montanarii*), who settled and cultivated the land in the municipality of Izola were only allowed to transfer ownership to their heirs and successors who lived there permanently, otherwise the land reverted to the commune (STIZ, II/33).

The citizens and residents of Izola were allowed to sell their property to citizens and foreigners who wanted to buy it; those who bought the property had to pay a communal fee, except for the people of Piran (STIZ, II/32). Every Piran resident

40 Foreign animals (1533) were not allowed to be brought into the territory of Izola (STIZ, IV/197), and a poll tax (1490) had to be paid for each foreign animal (STIZ IV, 182).

who lived in Izola and performed their duties was allowed to buy property in Izola and its district (STIZ, III/112). Special rights were granted in 1443 to Mengolinus Iusti, who was allowed to sell his real estate to the people of Piran and Koper in his own name and that of his aunt (STIZ, IV/135).

The Doge's Charter of 1433 stipulated that the people of Piran were not allowed to grow vines on their properties in the Izola district without a sealed certificate (*buletinum*). They could not sell their property unless it was advertised in the Izola square, even if the Piran community was the seller. From 1321, advertising the sale of Izola properties in Piran was not allowed, and vice versa. Every five years, the people of Piran had to submit an inventory of their property in Izola and pay taxes and rents (*dacia et affictus*) (STIZ, IV/50). The Doge's Charter of 1433 regulated the coexistence of the people of Izola and the people of Piran: the people of Piran did not have to submit individual certificates of ownership, but did this together through the mediation of the Piran podestà. If any of the Piran citizens concealed that they owned property, they would be summoned to Izola to answer charges; if they would not respond, their property could be confiscated. The citizens of Piran who went to their property in Izola were allowed to leave their horses tied up to graze on communal or uncultivated land; the same was allowed to the people from Izola in the Piran territory. Several properties of the citizens of Piran and Izola in the vicinity of each other were free (*liber*) (from obligations), which was decided by both podestàs (STIZ, IV/51).

Neither a citizen of Piran nor any other foreigner was (1395) allowed to cultivate a vineyard in the Izola district without permission and a certificate from the Izola podestà, along with a guarantee and payment for the guards (STIZ, IV/44). The territory of *Valesella* (Valeta) below and above the road from *San Basso* to Izola was to remain uncultivated. The podestà was not allowed to cultivate this terrain and no citizen was allowed to accept this land from a citizen of Piran or another foreigner. However, after due consideration, the podestà could allow cultivation for this territory (STIZ, III/72). The agreement between the Koper and Izola communes was that between 1 April and All Saints' Day, between sowing and harvest, no foreigner or local person was allowed to walk on other people's cultivated areas, causing damage to crops (STIZ, III/113).

Within the borders of **Piran** territory, it was forbidden to sell, give or otherwise alienate any property, nor to lease it to a foreigner or anyone from outside (*forensi siue extraneo*) for a rent or share of the income (*ad partem*), except in marriage agreements or wills. The alienation was invalid unless the inheritor became a member of the neighbourhood (*facere uicinanciam*) of the Piran commune (STPI, 447–448). A citizen or settler (*ciuis uel uicina*) of Piran was not allowed to give money and pledge, sell or otherwise alienate real estate or movable property to a foreigner who would litigate with a citizen or settler of Piran (STPI, 432–433). Foreigners were not allowed to advertise and buy real estate of Piran residents at auction, but they could advertise and buy movable property (STPI, 446–447). A foreigner was not allowed to give as a dowry, inheritance in a will, or otherwise alienate a vineyard in the Piran area from which payments were made to the commune, except on the condition that the owner who alienated the vineyard was legally liable to the commune with his property and guaranteed its income (STPI, 625).

Foreigners were allowed to cultivate communal or private land in Piran only with the permission of the owner, otherwise they had to pay a fine and lost the plots (*laborerium*) (STPI, 556). When foreigners came to work on communal territory, they had to report to the authorities, get registered and provide a guarantee that they would bring the wheat and other grain they had produced to Piran and pay the same fee as Piran citizens. No one who was not from Piran or a partner of Piran citizens was allowed to cultivate the land in the territory of Savudrija (*Carsum*) (STPI, 556). Foreigners often took possession of cottages and real estate in Kaštel/Castelvenere, surroundings of Savudrija or other communal territory under the false pretence of being livestock keepers (*sozzali*), or under the pretext that they were settlers (*vesini*, *uisini*) or citizens of Piran, as which they became owners and cultivators of the land; all of this was forbidden (STPI, 557–560).

No citizen was allowed to bring a foreigner, either with a plough or in a livestock partnership (Mihelič, 2015) or otherwise for work or for a part of the crop (*ad partem*), unless he took the foreigner's plough (*pluina*) on lease (STPI, 557). In Piran, it was not allowed to give, pay or promise more than 10 shillings for service (*opera*) to a foreigner or other worker on the land for hoeing, digging, or crushing clods of soil in the vineyards of Piran. However, vineyard owners were allowed to give foreign workers the usual amounts and food so that they could work at their own expense (STPI, 406–407). Except for reapers, no one was allowed to offer a foreign tiller more than 6 shillings for work in March, and then no more than 7 shillings until the Feast of Saint Peter (29 June) (STPI, 407–408). According to the redaction of the statutes from 1384, no one was allowed to pay a foreign worker more than 7 shillings per day from 1 April to the end of September, more than 5 shillings from 1 October to 1 February, more than 6 shillings plus food costs until 1 April, and no foreign worker was allowed to be paid more than 10 shillings plus food costs per day (STPI, 407–408).

In Piran, no one was allowed to take over a fief that he knew belonged to another citizen of Piran. If a citizen or foreigner who had a fief in the Piran district died without heirs or others to whom the fief would belong by law, no one else was allowed to take possession of this fief (STPI, 553).<sup>41</sup>

41 There are few references to foreigners and real estate in the statutes of other Istrian towns. The prohibition of selling real estate to foreigners is contained in the statutes of Motovun, Dvigrad and Labin (STMO, 219; STDV, 143; STLA, 27 (a fifteenth-century amendment)), which describe a territory that may not be alienated to either a native or a foreigner. Foreigners as owners of real estate are mentioned in the statutes of Grožnjan, (STGR, II/92) and Sv. Lovreč (STSL, IV/12), the conditions for the purchase of property by a foreigner are mentioned in the statutes of Pula (STPU, V/6), and real estate owned by foreigners in Umag can be inferred from the provision that foreigners may not sell real estate owned by townspeople at auction and from the prohibition of foreigners appropriating someone else's land (STUM, III/15, 23). If a foreigner bought real estate in Sv. Lovreč, the native could reclaim it within 31 days under the same conditions (STSL, II/37). In Bale, the sale of real estate in the name of a foreigner is mentioned (STBA, 99) and the fraudulent sale of real estate committed by a local or foreigner (STBA, 116). In Oprtalj, a local was not allowed to go to work in the territories of foreigners without permission (STOP, 80). In Motovun, a foreigner was not allowed to lease a village (*villa*) or have a share in it (STMO, 223). In Poreč and Rovinj, land was not allowed to be leased to foreigners without the permission of the *podestà* (and judges) (STPO, II/37; STRO, I/50), and in Poreč the prohibition is repeated in relation to foreigners from Sv. Lovreč (STPO, III/45).

## ACCEPTANCE OF FOREIGNERS INTO CITY COMMUNITY

The cities accepted selected foreigners and allowed them integration on equal footing (Mihelič, 2024, 81–85; Darovec & Mihelič, 2024, 100–106). The older statutes of Trieste and Muggia are particularly instructive regarding the procedure to acquire rights of neighbourhood membership (*vicinancia*), as are the more modest statutes of Koper and Piran, while the statutes of Izola cite a specific example of the acceptance of a newcomer from Muggia as a settler (*vicinus*) of Izola (1396).<sup>42</sup>

The older redactions of the **Trieste** statutes from the fourteenth century contain a provision on the oath of new settlers to Trieste (STTS 1, I/105; STTS 2, I/52), but not anymore in the redaction and amendments to the statutes after Trieste's transfer to the Habsburgs. The stipulation 'On the form of the oath of the neighbourhood of new settlers to Trieste' (*De forma sacramenti vicinitatis vicinorum Tergesti*) was introduced by the redaction of the statutes from the end of the second decade of the fourteenth century. Whoever would henceforth be accepted as a citizen of Trieste (*in civem tergestinum*) had to swear an oath of the neighbourhood and permanent residence (*iurare vicinitatem et habitationem perpetuam*) in the city of Trieste. He pledged to strive with all his might for the honour and benefit of the city and to obey the orders of the Dominion (*dominium*), as other citizens did. He had to guarantee (*securitatem facere*) according to his financial means that he would adhere to this, and the Dominion was entitled to demand and accept a guarantee from him. The consent of the majority of the members of the great council was required for the admission of a new citizen. No one unfree was admitted to the neighbourhood (*vicinitas*). If someone refused the neighbourhood (*refutare vicinitatem*) of Trieste, all their movable and immovable property in Trieste was seized by the commune if they did not return under the authority of the Dominion of Trieste within fifteen days. Whoever was admitted to the *vicinitas* had to provide guarantees, have a good guarantor and, within three years, build a house covered with bricks or tiles in the *Prelasser* quarter of Trieste on a plot made available to him by the commune. Once he had built the house, he was free from communal obligations (*angaria*) for three years, except for paying the wine tax. However, if he did not finish the house within three years, he paid 25 pounds for each year of the delay. If someone in the *Prelasser* quarter owned the plot that the Dominion needed for someone to build a house on, the Dominion gave the property to the new settler, and the commune paid the previous owner for the plot according to the evaluator's assessment. If the owner of the plot refused to sell, he had to build a house there himself, with its front measuring at least three steps (*passus*) or approximately 5 metres in width. Whoever was

42 The statutes of other Istrian towns (except for Labin) regularly briefly mention the conditions under which foreigners immigrate and become *vicini* (*vicin(us)*, *vixin*, *vizin*). They undertake to stay for a few years, provide guarantees, acquire property; at first they may receive relief, later they must fulfil the usual burdens and obligations of locals (STUM, I/25; STNG, II/27; STBU, 75; STGR, II/83, 101; STOP, 90; STMO, 93, 165; STBZ, 85; STPO, III/14, 19; STRO, I/47, 48; STSL, II/73, 74; STDV, 69, 135–137; STBA, 134, 135; STVO, I/19; STPU, V/2, 5).

accepted as a citizen (*civis*) of Trieste had to have a permanent seat and residence (*continua residentia et habitatio*) in the city, perform duties and pay fees (*angaria et aquaglancia*) like other citizens, otherwise he was not considered a citizen and was excluded from the city neighbourhood (*vicinitas*). A foreigner who lived in Trieste and performed everything in the community like other citizens, but did not swear *vicinitatem et habitacionem continuam* in the city within five years of his arrival, was not considered a citizen; in the next five years he became a citizen if he built a house in the designated quarter of Trieste. If he remained in the city for another three years, he was criminally liable as a citizen, with the exception of paid workers (*mercenarius*). If someone was accepted as a citizen who had made an agreement with foreigners before accepting the neighbourhood duties (*receptio vicinitatis*), neither the community nor the individual in Trieste offered him assistance and approval for a pledge related to that agreement. According to this stipulation, the Dominion no longer pledged for a foreigner to a foreigner or resident of Trieste. All foreigners who came to Trieste to live and stay there were checked by the judges to see if they were suitable for guard and protection duties and for other obligations and activities performed by citizens. Whoever was suitable was obliged to carry out these duties. A foreigner was considered one until he built a house in Trieste in the aforementioned quarter, but was until then allowed to bring wine to Trieste from his vineyards, which he cultivated in the Trieste district and from vineyards that he had there from the people of Trieste in a half-crop manner. Anyone admitted to the neighbourhood of the city of Trieste (*vicinitas civitatis Tergesti*), but subsequently found not to be free, was forbidden to receive advice or assistance from the commune, unless he was considered a foreigner (STTS 1, I/105). Anyone who was both a citizen of Trieste and a citizen (*civis*) of another land or place (*terre vel loci*) was not allowed to hold a job in Trieste or become a member of the great council unless he provided the city with a security of 1,000 pounds to personally and with his property obey all the orders of the Trieste Dominion and would not complain to other Dominion (STTS 1, I/106). Every year, in the eighth days after the Feast of Saint Lawrence (10 August), the judges ensured that all the *vicini* were registered in a special book (STTS 1, II/159).

A similar oath is contained in the 1350 Trieste statutes (STTS 2, I/52). The oaths of both redactions are fairly consistent.<sup>43</sup> A later version adds that a peasant (*rusticus*) who belonged to another lordship or was unfree could not become a citizen. No Trieste tenant farmer (*massarius*) was exempt from communal duties, but if he was, he was not allowed to perform any communal service; exceptions were the sick (*infirmus*), communal officials, members of the great council and those under the guardianship of relatives, while the councillors exercised supervision according to the statutes. No child of a Trieste citizen who paid their dues and obligations (*aguaglancias et factiones*) as a citizen could be declared a vagrant or vagabond

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43 Citizens of Trieste who are also citizens of another place are discussed in a separate article in the older edition (STTS 1, I/106).

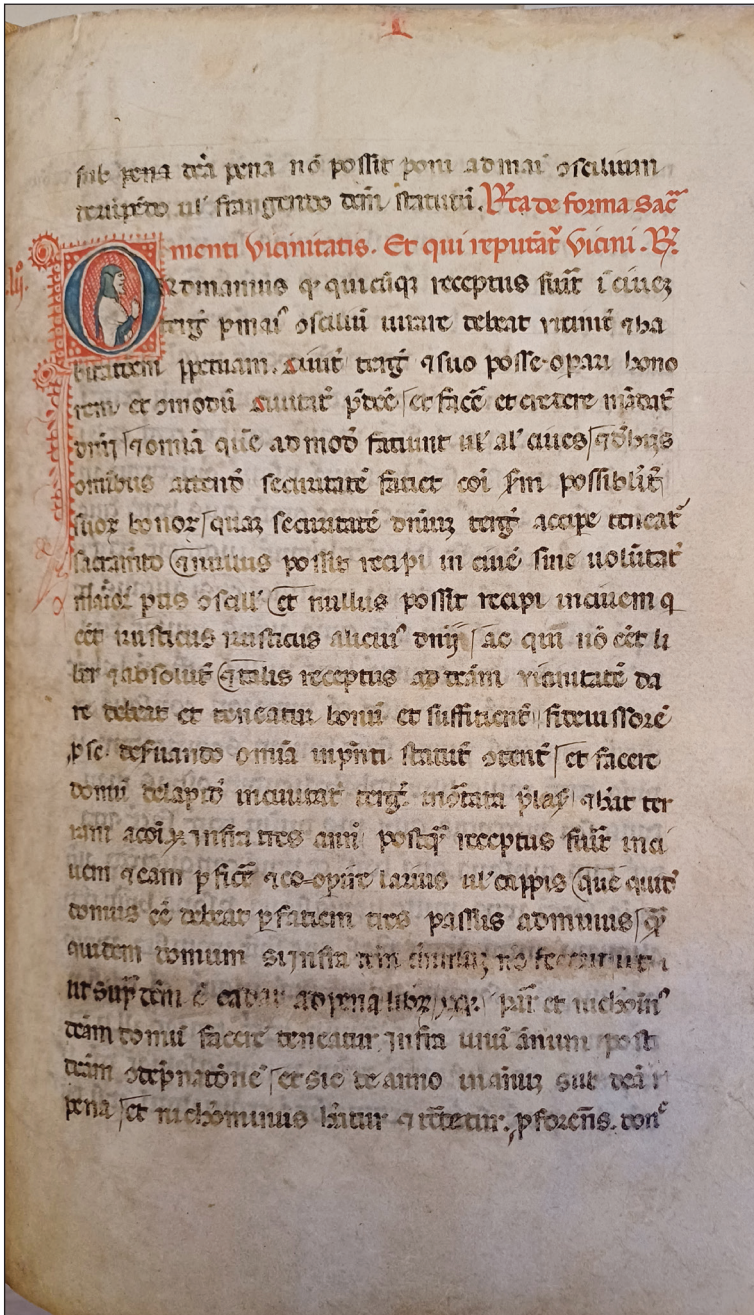


Fig. 7: The Trieste oath for immigrants (STTS 2, I/52, BCT, AD).

(*ribaldus, ribalda*). A Trieste citizen was not allowed to accept a farm (*mansus*) as a lease from a foreigner. All Trieste citizens, (new) settlers and inhabitants (*cives, vicini* and *habitatores*) were entered in a book, which the judges updated each year and from among whom the night and day guards of Trieste were selected. If any of the citizens of Trieste wanted to build a stone house, covered with bricks and tiles, in the quarters of St Lawrence (*contrata Sancti Laurencii*) or *Chaborio*, the city gave him land and he was free from all obligations for five years (STTS 2, I/52). Upon assuming office, the Trieste podestà and judges or rectors had to read the *capitularium vicinitatis* and take the oath of loyalty of all the citizens and inhabitants of Trieste (STTS 2, I/60).

According to the redaction of the Trieste statutes from 1421, which does not contain the oath itself, everyone was considered a foreigner if they less than ten years ago took the *sacramentum vicinitatis*; were accepted as *vicini* and *habitatores*, entered in the vicedomins' list and fulfilled their common duties; or if they lived in the Trieste district and had not yet paid the wine production tax (*ornaticum*) for a full ten years and fulfilled communal obligations as residents of the surrounding area (*districtuales*). Those who had been accepted as citizens (*civis*) of Trieste and had sworn *vicinitas* were immediately equated with the original citizens (*cives originarii*). If a citizen moved from Trieste and went to live elsewhere in the Trieste district and there handed over contributions (*aguantias*) and performed work (*angaria*), he became a foreigner until he returned to live in the city of Trieste or its district (STTS 3, III/7).

In **Muggia**, only a citizen and settler (*civis et vicinus*) of Muggia was allowed to perform paid city service (STMU 2, I/20). A foreigner who did not perform the obligatory communal works and activities (*angarias et fationes*) in Muggia could not be a supervisor – *iusticiarius* (STMU 1, III/48), or he and his associate could not be a *iusticiarius*, shopkeeper, butcher, baker or innkeeper (STMU 2, III/45). After a year or more of residence in Muggia or in the castle (*castrum Mugle*), a foreigner in Muggia had to immediately take over the day and night guard duties, contributions, taxes and other obligations, just like the other settlers (*vicini*) of Muggia. He had to respect the city statutes and was subject to the city's justice. He became an inhabitant (*habitor*) and enjoyed the same rights as the other settlers of Muggia (STMU 1, II/176).

In Muggia, neighbourhood rights (*vicinitas*) were granted in a similar way to Trieste. Anyone wishing to obtain this status had to present himself to the Dominion, where the great council decided on his acceptance as a settler (*vicinus*). He had to swear an oath of the neighbourhood and permanent residence in Muggia (*vicinancia et habitatio perpetualis terre Mugle*) and pledge to always be a loyal and honest citizen of the commune. He also had to provide a guarantee with appropriate property. After acceptance, he was exempt from obligations and fees for three years. For himself and his heirs, he received an acre (*plovina*)<sup>44</sup>

44 1,843 square metres (Mihelič, 2009, 60–61).

of communal land in the territory of Plavje (*Plaule*) as close as possible to the border of the communal territory. However, if he renounced the neighbourhood (*vicinancia*) and moved away, the land would return to the commune. The recipient was not allowed to give, sell, donate, abandon, commit or otherwise alienate the said territory to a foreigner. No one who lived in Muggia for a year and wanted to become its *vicinus* was exempt from paying contributions (*collecta*), guard duty (*guardia*) and other obligations and works (*angarie et factiones*), but had to immediately perform them like other citizens and residents and comply with the statutes of the city.<sup>45</sup> If a foreigner or someone who was accepted as a new settler of Muggia married a woman from Muggia and lived there, he would immediately (and not only after three years) have to perform guard duties and other activities and pay taxes and obligations like citizens of Muggia, and would be considered a new resident. A female foreigner who married a man from Muggia would become a settler (*vicina*), bound by the obligations under the statutes. If any of the settlers (*vicinus*) moved away from Muggia and did not pay the communal dues and perform the obligations, they would be considered a foreigner until they returned (STMU 1, II/175 a; STMU 2, II/59).

If the Dominion of Muggia issued an order to a settler (*vicinus*) of Muggia who was in judicial proceedings, and they were discovered in Koper, Trieste or their districts, and it was found that they had renounced the right of settlement, they were punished. They had to leave Muggia with all their movable property within eight days (STMU 1, II/115; STMU 2, II/25).

**Koper** authorities wanted to increase the city's population.<sup>46</sup> The city encouraged immigration. Anyone who came to live in the city was free from material and personal obligations (*angaria*), and after five years had to register with the podestà's chancellor (*cancelarius domini potestatis et capitanei*). After five years of continuous residence and neighbourhood (*continua residentia et conuicinancia*) like other fellow citizens (*conuicis*) of Koper, he forever became a citizen of Koper (*civis Justinopolis*) (STKP, I/29).

In **Izola**, the head of the city – the rector – was not allowed to accept a foreigner as a citizen to the detriment of the Izola commune against the will of the council (STIZ, IV/182). Anyone who came to live in Izola was free from communal obligations for two years (STIZ, II/106). Foreigners who wanted to live in Izola and become settlers (*vicini*) were allowed to receive up to two acres (*pluvina*) of land in the territory

45 A later redaction stipulated that a foreigner who arrived and lived in Muggia and in *castro Mugle* for one year or more had to immediately perform day and night watch duties in Muggia, pay dues, contributions and perform other obligations and activities like other residents of Muggia. He had to comply with the city statutes and was subject to the jurisdiction of Muggia. He thereby became a resident and enjoyed the rights of other settlers (STMU 2, II/60).

46 'Because cities expand with increasing population and the surrounding landscape is cultivated, and in order for the city of Koper to fill with people and renew...' (*Quia ciuitates specialiter per populorum congregationes ampliuntur et regiones ibidem circumstantes ligonisantur et ut ciuitas Justinopolis hominibus repleatur et reparatur...*) (STKP, I/29).

of Čedola (*Celula*), the border area of Izola and Piran towards Kaštelir/Castellier. They were to plant the land with vines, and then for ten years they would not have to pay the commune any rent (*fictus*) from the produce and perform no servitude (*facio*). Every Izola farm tenant (*massarius*) was to perform one service (*opera*) for such a foreigner, or accordingly less if they had a smaller property.<sup>47</sup> This land was not allowed to be sold, donated, pledged or alienated by anyone except to a citizen or inhabitant of Izola (STIZ, II/105). The statutes of Izola also mention the specific granting of the right of neighbourhood (*vicinancia*) to Sir (*ser*) Iohanes Daniel de Blancholino from Muggia in 1396 (STIZ, IV/p). He asked the podestà of Izola and the judges to accept him as a loyal and legal settler, citizen and inhabitant (*vicinum, civem et habitatorem*) of the Izola commune and to treat him in the same way as other citizens, settlers and residents of Izola. He promised that, like other citizens, he would perform the obligations and activities of the commune to the best of his abilities, as far as necessary. With the consent of the judges, the podestà accepted him as a settler, citizen and inhabitant with the obligation to perform the obligations like other settlers (*vicini*).

Those who did not want to be *vicini* and live in Izola as *cives* had to leave with all their movable property within eight days; they paid taxes in Izola on their immovable property, unless they married outside Izola. They were allowed to return after paying five pounds (STIZ, II/106, 103).

In **Piran**, a foreign man or woman were not allowed to live with their wife or husband on a leased farm (*massaria*) for a whole year, but for a month until the end of the year. This did not apply to Venetian citizens or to foreigners to whom the podestà offered the opportunity to accept the right of neighbourhood (*uisinancia*). If they refused, they had to emigrate. The Piran statutes and amendments to them do not specifically describe the granting of the right of neighbourhood, but the established procedure for its acquisition is hinted at by the phrase that the podestà asked the foreigner if he wanted to join the neighbourhood (*si uult facere uisinanciam*) (STPI, 612).

A testamentary will of real estate intended for a foreigner was invalid in Piran if the recipient of the estate did not carry out neighbourhood duties (*facere uicinanciam comunis Pyrani*) (STPI, 447–48). Piran citizens and residents aged sixteen to sixty who owned property in the Piran area had to register within one month after the groups of ten were formed and enumerated. Foreigners who lived in Piran and did not own property were exempt from this obligation (STPI, 612–13).

## CLERGY IN THE STATUTES

The clergy had a special position in the cities. **Trieste** statutes were particularly detailed on this issue, and those of Muggia also mention it in interesting contexts. The statutes of Trieste extended the criminal competences of the city authorities

47 Each tenant had to settle the neighbourhood's obligation (*solvere uicinanciam*) (STIZ, II/104).

to include clerical offenders, while in other cities the criminal procedure against members of the clergy was under the jurisdiction of Church authorities. The reason why Trieste was different lies in the relationship between the city and the diocese. Trieste initially developed under the auspices of the margraves, whose authority was from the tenth century eroded by the influence of the bishops, who acquired the title of counts. In the eleventh and twelfth centuries, the bishops became high Imperial vassals, who had a group of foreign lawyers with them, while the city developed its own self-government. In the power relationship between the bishops and the commune of Trieste, the power of the latter grew, but relations between the two were good in the first decades of the thirteenth century. The diocese's financial situation in the first half of the thirteenth century was poor, almost all its properties were mortgaged, and the bishops ceded numerous rights and sources of income to the city, and also pledged some profitable rights and incomes to the city. The bishop's gastald had city judges with him and had to respect the Trieste statutory law. In the fourteenth century, there were three codifications of the Trieste statutes (1319, 1350, 1365), issued by the commune. They indicate its authority and independence from episcopal rule and assert the dominance of autonomous tendencies in the city (Szombathely, 1930; 1935).

These circumstances are evident in the bishop's use of excommunication or coercion against Trieste citizens: in such a case, the podestà and the judges or rectors were to offer the excommunicated person advice and legal assistance (STTS 1, III/64). A Trieste citizen was not allowed to be a gastald of the bishops in the diocese outside the city, or a representative or their associate for the management of diocesan affairs (STTS 1, II/123). He was not allowed to be present at the archdeacon's proclamation in or outside the church (STTS 1, II/125) or to be a representative of the shrine of either local or foreign nuns (*monacharum cella*) in Trieste (STTS 1, II/124). However, at least one person from each house had to attend and join the processions of the priests of Trieste, when they carried sacred relics (STTS 2, IV/80).

In both older redactions of the statutes, monks and monasteries that had vineyards in the Trieste district were allowed to bring the wine produced in these vineyards to Trieste, which was generally not permitted<sup>48</sup> (STTS 1, IV/5; STTS 2, II/63), but the bishop's farmers were not allowed to take grain out of the Trieste district to sell to a foreigner (STTS 2, IV/8). Documents in which a cleric was a debtor to a Trieste citizen were automatically considered 'vicedominated', while the usual deadline for the mandatory entry of notarial and communal scribes' records in the book of the vicedomin official was two years (STTS 3, II/27).

The Trieste statutory stipulations on monks and clergy in general reflected a dismissive and suspicious attitude towards clerics. A priest who left the Minorite, Dominican or another religious order within a year of his entry was no longer allowed to live or stay in Trieste or its district, and any podestà or rector could

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48 This privilege also applied to the Venetians.

persecute him as an exile (STTS 1, II/40; STTS 2, II/52). Those residing in the Trieste monastery of the Holy Martyrs (*monasterium sanctorum Martirum*), the hospital administrators, the Friars Minor, those living in the churches and chapels of the Trieste district, and the guards were not allowed to offer refuge to those banished from Trieste or to armed persons (STTS 2, II/26). The clerics of Trieste were not allowed to bear arms in the city, except when accompanying the bishop in the city, the exception being four members of the bishop's entourage, the 'family' (*familia*), who had to be foreigners, not natives or citizens (*non terigene sive cives*) (STTS 1, II/23). The stipulation of 1350 adds that the aforementioned four persons entitled to bear arms had to be registered with the Dominion of Trieste (STTS 2, II/19). However, the cellarers of all Trieste brotherhoods – St Justus, St Sergius, St Paul, St Peter, St Nicholas, *Maioris ecclesiae*, of St Lawrence and Mark, St Cross and St Mary *de Mari* – had to have one crossbow ready (STTS 2, IV/50).

The city of Trieste was not in favour of the ecclesiastic accumulation of property. Citizens were allowed to sell property in Trieste or its district to the clergy only with a guarantee that the clergy would not sell or alienate it to a foreigner (STTS 1, II/116; STTS 2, IV/59). The citizens of Trieste were forbidden to bequeath immovable property or its income in favour of churches or places of worship (*loci venerabiles*) except to the religious brotherhoods of Trieste; however, the alienation of movable property in favour of churches, clergy, monasteries and places of worship was permitted (STTS 1, II/119, 120; STTS 2, IV/57, 59). The statutes from 1350 contain an interesting article on houses that testators were allowed to bequeath to the Dominican monastery of Koper. Houses in Trieste bequeathed by citizens or residents of Trieste in a will or otherwise given or donated to the Dominican monastery of Koper or to the brothers (*fratres*) from Koper for residence, were allowed to be kept by the brothers and the monastery for their own use. Still, they were not allowed to alienate them to a foreigner or burden them with obligations towards him. If this were to happen, the house would fall to the commune of Trieste, and the alienation and burdens would be annulled (STTS 2, IV/32). The same statute granted the cellarers and brothers of the Brotherhood of St Paul the right to build a new church in the Cavana district, which would be in accordance with the wishes of the authorities and residents of Trieste (STTS 2, IV/73).

The Dominion of Trieste was prepared to adjudicate in disputes between clerics and laymen, regardless of their position and reputation (STTS 1, II/122). If a cleric started a quarrel with a layman in the city square or nearby, and the layman gave rise to the dispute with words or actions, he had to pay a fine. This was lower if the layman provoked the quarrel outside the square. If the cleric himself provoked violence or insult to a layman, the latter was not punished, except in case of homicide. A priest was not allowed to intervene in a quarrel with a weapon. If he drew his weapon and suffered damage, the one who caused it was not punished, except for homicide (STTS 1, I/11; STTS 2, II/16; STTS 3, III/33). Offenses by laymen against clerics were punished according to the judgment of the captain of Trieste. In any case, when the cleric was beaten by his own fault,

his personal – not ecclesiastical – property served to settle the damage and costs and to provide satisfaction to the injured layman. The layman had to prove to the Dominion beforehand that the cleric was beaten by his own fault (STTS 3, III/33).

The Trieste statutes show particular distrust of the relationship between women and priests. In the provisions regarding wills, the statutes stipulated that a will of a woman written in the presence of priests who were not her relatives was invalid, unless it was written in the presence of two of her adult relatives or (according to another version) two ‘good men’ (*boni viri*) appointed by the Dominion. If a woman specified in her last will that something be spent on a priest or cleric, such inheritance had no legal validity, even if it was intended for pious purposes (STTS 1, III/29; STTS 2, III/55; STTS 3, II/47).

The statutes also describe actual contacts of Trieste women with clerics. If a priest was caught singing a mocking ode to a woman at night in Trieste, her close relative or friend was allowed to personally insult him in any way with impunity, except to kill him. However, if a priest was caught by day or night in the house where the woman lived, or in another house on her property, or if a cleric brought or received a Trieste female citizen or inhabitant of Trieste to his home by day or night, the husband, father, brother, any relative or any friend of that woman was allowed to personally harm the cleric in any way and (according to the statutes from 1421) even kill him without punishment (STTS 1, I/11; STTS 2, II/16; STTS 3, III/33). The statutes of 1421 even contain provisions for acts when a cleric would rape, attempt to rape, defile or intend to defile a Trieste woman. In these cases, the woman’s relatives were allowed to intervene and beat, wound or even kill the consecrated delinquent without punishment (STTS 3, III/33).

The statutes of 1421 (STTS 3, III/62) stipulated that women of Trieste were not allowed to live with priests and defile themselves with them, and that clerics were not allowed to receive or marry local or foreign woman from Trieste. Single women of Trieste – (female) citizens, residents or women from the district (*civis, habitatrix, districtualis*) who did not have a husband – were not allowed to live with priests above the fourth minor order, nor were they allowed to knowingly receive a priest into their house, unless he was a ‘close relative, son or brother’ who was received by the mother or sister. The penalty was the confiscation of all the woman’s property. Half of it went to her closest relatives, the other half to the city; of this part, a third (a sixth of the total property) went to the plaintiff. This penalty would also apply if a woman in Trieste or its district knowingly offered lodging or had a priest as a guest who was not her son or brother, or if she had sexual intercourse with him. A Trieste female citizen or foreigner who was married to a Trieste citizen and had intercourse with or lived with a priest was punished for adultery: she lost all her property in favour of her husband and was banished. If she returned, she would be beaten and branded and banished again. For even greater humiliation and admonition, she would be led around Trieste to the sound of a trumpet and other instruments. However, such a procedure was only foreseen in the case that the wife was reported by her husband; no one else was allowed to accuse a married woman. Any woman was allowed to receive any priest at home if she was

sick, so that he could hear her confession, but one or two of her husband's relatives had to testify that she was really sick in the event of a report. However, if the husband brought, received or had a priest as a guest in the house, no punishment would befall any woman in the house.

The statutes of 1421 also provided for the possibility that a priest could, against the will of her father, mother, husband or other relative, receive or retain the daughter, wife, sister, relative of a Trieste citizen, inhabitant or resident of the district (STTS 3, III/62); if someone personally harmed such a priest with words or actions, even if he killed him, he would not be punished. In these cases, the law tolerated the killing of an indecent cleric in vengeance.

In **Muggia**, the podestà judged equally in a dispute between a cleric and a layman (STMU 2, II/43), while the parish priest of Muggia judged in a lawsuit between a layman and a cleric. If the layman was not satisfied with the verdict, he could appeal to the bishop of Trieste or another person he thought of as appropriate in matters of the law (STMU 1, II/154). In a civil dispute with a foreign layman, the podestà or his vicar, with the consent of the community (*conventus*), judged a cleric or a church person in the same way a parish priest would judge a layman from Muggia in the place of the foreign layman; if the community did not consent, the trial was held in the city palace (STMU 1, IV/34; STMU 2, IV/25 (24)). In 1349, a statutory stipulation was annulled in Muggia that allowed the Minorites, Dominicans or other religious brother or citizen of Muggia to appoint before the Dominion of Muggia a representative against its citizens and inhabitants to claim tithes, rents and income from their estates and withheld payments (STMU 1, IV/8).

A layman was not allowed to accept church property as a pledge from a cleric (STMU 2, II/44). A communal tax (*gravame*) had to be paid from the property that priests in Muggia left to the churches (STMU 2, VII/94). The podestà granted the brotherhoods and representatives of the churches of Muggia, its castle (*castrum*), and district the right to take over testamentary wills as well as rents, incomes, and other things (STMU 2, IV/33 (30)). Executors of wills who did not forward wills for pious purposes to the beneficiaries were punished (STMU 2, V/98).

The brotherhoods were obliged to keep crossbows (*balista*) for the defence of the city: the Brotherhood of St John and Paul had to buy a fourth crossbow, the Brotherhood of All Saints was to acquire a second one, the Brotherhood of St Andrew had two crossbows and was to buy two more, the Brotherhood of St Martin had to buy one crossbow, as was the Brotherhood of St John the Evangelist, the Brotherhood of St Bridget was to buy a second one, the Brotherhoods of St Columbanus and St Thomas had to buy one crossbow each (STMU 1, II/193).

The statutes of Muggia also dealt with the education of religious teachers (*scholasticus*): Anyone who went abroad to study anything except grammar received 12 ducats per year, but if he did not complete his studies, he had to return double the granted amount (STMU 2, V/26 (25)). Citizens were encouraged to send their sons especially to Padua (STMU 2, VI/56), and before they would go, three wise men (*intelligentes*) had to check if they were suitable and deserving of such support (STMU 2, VI/75). The

amended 1475 stipulation on students stated that the commune gave 8 gold *scudi* to anyone who wanted to go to Venice to learn the art of writing; whoever wanted to go to Padua or Venice received support for three years. They had to live decently and attend lessons. Those who studied other sciences than grammar in Padua or Venice were also supported, but their knowledge of grammar was checked before they left Muggia (STMU 2, VI/88). At the beginning of the sixteenth century, the commune temporarily suspended scholarships due to the poor financial situation (STMU 2, VII/47b (1)). In fact, no citizen of Muggia was allowed to join the *colegio di Pontecorbo* in Padua unless he proposed it first and obtained approval from Muggia (STMU 2, VII/81).

The podestà and captain of **Koper** was responsible for choosing two good men as church procurators, after consultation with the bishop. Their mandate lasted three years, and they were confirmed each year by the great council of Koper. They had to present their accounts to the bishop and podestà annually. The bishop was allowed to choose a priest who was the third procurator. The procurators reviewed the legacies in favour of the diocese once a month in the vicedomins' office (STKP, III/5).

The statutes of Koper forbade religious brothers, monks or other clerics of any religion or condition from entering any nunnery in the Venetian territory, neither by ship nor by land (Margetić, 1993, 191).<sup>49</sup>

49 The statutes of other Istrian towns mention clerics and religious institutions in a wide variety of contexts. They define their judicial treatment (STOP, 133; STPO, II/22, 23; STRO, II/13; STBA, 102; STPU, II/108), and pay attention to their property. In Motovun, the churchmen of the Church of St Stephen had access to testamentary wills (STMO, 151), and the transactions regarding the property of the brotherhoods were under supervision (STMO, 156), as well as in Sv. Lovreč (STSL, II/70), while in Poreč the communal chancellor was not allowed to check the transactions of the bishop's office (STPO, III/81). In Dvigrad, the property of churches was not allowed to be alienated without the permission of the authorities (STDV, 166). In Poreč, a monk or friar could not inherit from his parents nor was he allowed to write a will (STPO, 76, 75). In Bale, the main church received taxes, and the churchman and gastald were obliged to give accounts of business; the churchman was not allowed to hand over livestock to the partnership (*socida*) without the permission of the podestà and judges (STBA, 74–77). In Pula, a churchman was appointed for the construction of the main church, and the repair of churches was supervised by two selected councillors and a commissioner appointed by the bishop from among the members of the cathedral church (STPU, 30, 31). Property in Pula was allowed to be alienated to church individuals or communities only together with obligations to the commune, and the alienation of church property required the permission of the authorities (STPU, 32, 33). The *vicini* of the city districts also took care of the repair of churches (STPU, V3). In Poreč, clerics were not allowed to deliver foreign wine, but the Franciscans were allowed to bring wine from alms without tax (STPO, II/58; III/47). Similarly, some church personnel were exempt from taxes on the export of wine and oil from alms in Motovun (STMO, 195). Sometimes the selection, position and competences of church personnel are mentioned: in Motovun the position of churchman and the appointment of a new parish priest (STMO, 178, 239), in Poreč, the prior of the hospital of St Mary was chosen in a large council (STPO, III/66), in Sv. Lovreč, the churchmen of the main church were among the sixteen chosen to interpret the statutes (STSL, II/64). In Poreč, clerics could not be lawyers or legal representatives, they were not allowed to write a document against a citizen or resident of Poreč, they were not allowed to be commissioners of wills (STPO, II/24, 60, 80). In Rovinj, however, a priest who was a public notary was allowed to write a document or will, although under the watchful eye of secular authorities (STRO, II/86). In Poreč, clerics are mentioned in the prohibition of walking around at night without a fire or light (STPO, III/36).

## JEWS IN THE STATUTES

Although Jews were very important as money lenders for the commercial and monetary transactions of cities with a shortage of cash (Peršič, 1999), they are mentioned in the statutes quite briefly, mostly in later versions of the statutes and in supplements.

In **Trieste**, Jews who came to the city had to wear a yellow O sign on their chests, as in Venice, Padua and elsewhere. The penalty for disobeying this stipulation was 10 pounds, but it was not enforced on the first day of a Jew's arrival in the city. The families of the Trieste moneylenders Michael, Urso and Jacob did not wear the sign. The approved interest on a loan was 4 *bagatini* per pound (240 brigantini each) per month (20 percent per annum) (STTS 3, III/94, 94 R.ca). During the Holy Week and on holidays, the courts were not available to Jews (STTS 3, II/3, additio 1460).

The statutes of Muggia, Izola and Piran also included a Jewish oath before the court that was almost identical in content, the Muggia version was Italian, the Izola and Piran Latin. In **Muggia**, a Jew swore by the 'true God, by the God of Abraham, Isaac and Jacob, by the God who created heaven and earth, by the holy law that God gave to the Jewish ancestors on Mount Sinai in the hands of Moses on two stone tablets, written with the finger of God, and by the Ark of the Covenant,' that he would speak the truth about everything he knew and about which he would be interrogated, otherwise he would suffer the most severe punishments (STMU 2, VI/101 (63)). Jewish books written in Hebrew were not trusted in Muggia, except for bankers' books. A Jew who did business with a Christian had to record this in Latin in the presence of at least one witness (STMU 2, VII/767). Jews were not allowed to participate in carnival dancing, which was associated with the Catholic faith (STMU 2, VII/59).

A Jew or Jewess who wanted to lend at interest and have a *bancum* in **Koper** had to register with the podestà's office. Jews lent at interest and accepted pledges. They did not have to wear the O or any other sign. Butchers gave them meat and allowed them to slaughter animals according to their own regulations. They did not lend money on Saturdays and their holidays (STKP, II/76). A Koper resident was not allowed to be a guarantor for a Jew or accept money from a Jew on behalf of a foreigner (STKP, I/22). According to the Doge's decree, Jews were not allowed to buy real estate in territories under Venetian rule. The acquired real estate had to be sold within two years, otherwise the owner would lose it. For freeing the pledge from Jews, the podestà's chancellor received 3 pennies per pound, 2 of which went to the herald, and a judge had to be present at the decision (STKP, III/7).

In **Izola**, Jews were allowed to lend money at interest in accordance with contracts (STIZ, IV/14). When Jews sold the pledge of debtors, they had to store the excess purchase price in the grain warehouse *fonticus*, whereof a chancellor kept account (STIZ, IV/175). Izola residents were forbidden to guarantee a foreigner against a Jew living in Izola (STIZ, IV/22, 72). The Jewish oath before the court was added to the Izola statutes in 1487 (STIZ, IV/180).

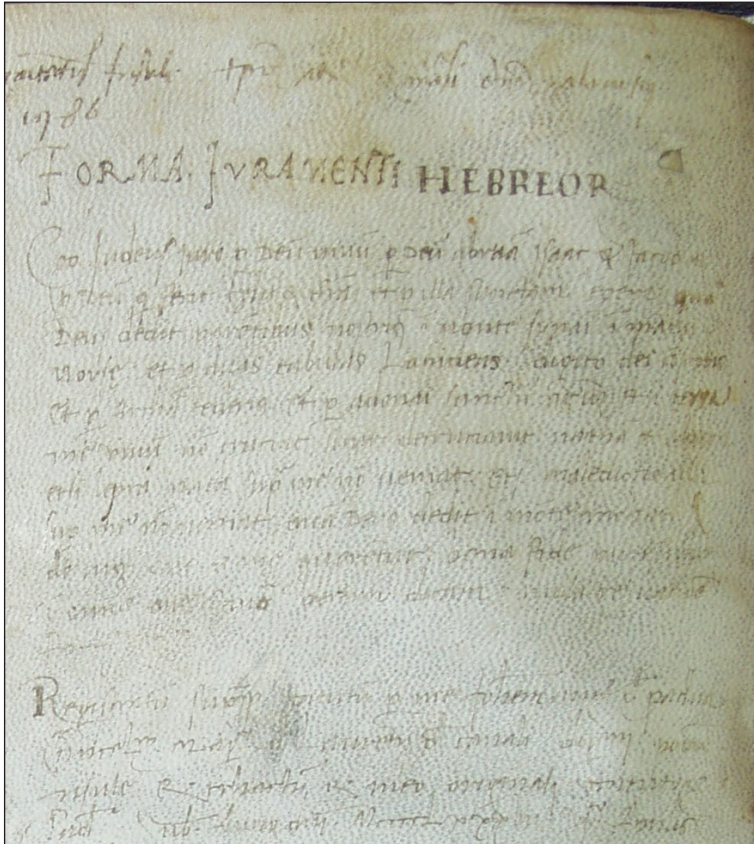


Fig. 8: The 1487 Jewish oath from Izola (HR-DARI, STIZ, IV/180).

The Piran statutes contain a provision that neither citizens nor foreigners may lend at interest in **Piran** or its district (STPI, 609–611), and this activity was carried out by Jews. The Jewish oath in the Piran court was subsequently added to the Piran statutes (STPI, 748–749). Jews lent against a pledge, which was sold at auction in the event of the debtor's insolvency. In 1488, the Piran pretor, Mr Andreas Paradisus, judged on behalf of the Venetian authorities in a dispute between the city herald Nicolaus Marzanesi and the Piran moneylender Samuel Hebreus over the fee demanded by the heralds, which Samuel objected to. According to the ruling, for a herald's sale of a pledge up to a value of 30 shillings, the herald received 6 pennies, 1 shilling (12 pennies) for a value of 30 to 40 shillings, and 2 shillings for a value over 40 shillings. If the pledge was not sold, he received half the payment. The chancellor received 3 pennies per pound of proceeds for the notes for a pledge sold at auction, and half this sum for his work if the pledges remained unsold (STPI, 769–771).

## CONCLUSION

In Mediterranean cities and towns, statutes were formed as legal acts of urban autonomy from the end of the twelfth century. Their provisions affected the areas of urban administration, economy, public life and order, criminal law, family law, etc. They maintained order in everyday life with their regulations and punishments for offenders. Trieste, Muggia, Koper, Izola and Piran (as well as other Istrian towns) also laid down their own statutes following the example of other Mediterranean cities. Many stipulations of their statutes concerned foreigners, which primarily included all non-natives. Not only newcomers from more distant destinations, but also residents of nearby cities had the status of foreigners in this sense in their mutual relations. Within the settlement, the statutes also treated as foreign and special: Jews, the clergy, the helpless, sick, vagrants, etc.

Foreigners are mentioned in the statutes in various contexts – if we highlight all or most of them, a fairly comprehensive and versatile picture of all aspects of life in the city emerges. In their attitude towards foreigners or non-natives, the cities were distrustful both in terms of the possible physical danger they posed and in terms of economic protectionism. However, they did not completely reject foreigners in advance, but rather accepted foreign newcomers into their midst in accordance with their own interests and granted them the status of (new) settlers or citizens (*vicini, cives*).

The statutes restricted the connections of locals with foreigners. A fellow citizen had to always come first for local citizens, ahead of relatives and friends who were not locals. A citizen was not allowed to join or associate with a foreigner whom he knew was an opponent of one of his fellow citizens. Statutory stipulations sought to prevent risky cooperation with foreigners that could harm locals, and they prohibited pledges, sureties and legal representation for foreigners. Foreigners are mentioned in the statutes, along with citizens and city inhabitants, as potential offenders, violent people and criminals, but also as victims. The mayor and officials adjudicated in legal proceedings involving foreigners.

Statutory stipulations reflected concern for the urban environment and cultivated hinterland, its use having been restricted for foreigners. In economic terms, cities protected their interests; they accepted foreigners when they were beneficial for their economic policy and rejected them when they presented unfavourable competition. The key economic sector in cities that included foreigners was trade, to which the statutes paid great attention. Cities were protective in the regulation and control of their own production of elite export goods of wine, oil, and salt, preventing their import. On the other hand, they openly accepted the import of food and other goods, which were in short supply in the cities. In this sense, they limited or supported the activities of foreign merchants. Cities denied foreigners ownership of their territory and real estate. Natives were not allowed to alienate, sell, pledge, give as a dowry, inheritance in a will, or lease or give them to be cultivated by non-natives.

The cities accepted select foreigners and enabled them to integrate into their environment on equal footing. The new settlers and townspeople are mentioned in the statutes in numerous connections, from which it is clear that they acquired the rights and obligations of the locals. Regarding the procedure and rules for acquiring settlement rights, the statutes of Trieste and Muggia, which contain an oath of the neighbourhood and permanent residence in the city (*vicinancia et habitatio perpetualis*), are particularly instructive among those examined.

Among the statutes examined, those of Trieste in particular focus on relations with the clergy. The criminal competences of the city authorities were also extended to include offenders from among the clergy. The statutes of Muggia mention the procedure for disputes between laymen and the clergy, while the statutes of the other three investigated cities do not mention the judicial hearing of the clergy, which was probably under the jurisdiction of Church authorities.

Although Jews were very important as money lenders for the commercial and monetary transactions of cities with a shortage of cash, they are mentioned in the statutes quite briefly, especially in later redactions and supplements. The statutes of Muggia, Izola and Piran also included an oath taken by Jews before the court, by which they undertook to confess and testify according to the truth and to the best of their knowledge.

TUJCI V STATUTIH MEST TRST, MILJE, KOPER, IZOLA IN PIRAN:  
OD VISOKEGA SREDNJEGA DO ZGODNJEGA NOVEGA VEKA

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## POVZETEK

*V mediteranskih mestih so se od konca 12. stoletja oblikovali statuti kot pravni akti mestne avtonomije. S svojimi določili so posegali na področje mestne uprave, gospodarstva, javnega življenja in reda, kazenskega, družinskega prava itd. S predpisi in kaznimi za kršitelje so vzdrževali red v vsakdanji življenjski praksi. Svoje statute so po zgledu mediteranskih imela tudi mesta Trst, Milje, Koper, Izola in Piran (kot tudi druga istrska mesta). Številna določila njihovih statutow zadevajo tujce, med katere so sodili prvenstveno vsi nedomačini. Ne le prišleki iz bolj oddaljenih destinacij, ampak tudi prebivalci bližnjih mest, so imeli v tem smislu v medsebojnem razmerju status tujcev. Znotraj naselbine pa so statuti kot tuje in posebne obravnavali tudi v mestih živeče Jude in nekatere družbene skupine, npr. klerike ter nemočne, bolne, klateže ipd.*

*Tujci se v statutih omenjajo v različnih zvezah – če izpostavimo vse oz. večino od njih, se izriše dokaj celovita in vsestranska podoba vseh plati življenja v mestu. V odnosu do tujcev – nedomačinov – so bila mesta nezaupljiva tako v pogledu možne fizične nevarnosti, ki so jo predstavljali, kot glede gospodarskega protekcionizma. Niso pa tujcev vnaprej povsem odklanjala, ampak so tuje doseljence v skladu z lastnimi interesi sprejemala v svojo sredino in jim podeljevala status (novih) naseljencev ali meščanov (vicini, cives).*

*Statuti so povezave domačinov s tujci omejevali. Sokrajan je moral biti domačim meščanom vselej na prvem mestu, tudi pred sorodniki in prijatelji, ki niso bili domačini. Meščan se ni smel pridružiti ali povezati s tujcem, za katerega je vedel, da je nasprotnik kakega njegovega sokrajana. Statutarni odloki so skušali preprečiti tvegano sodelovanje s tujci, ki bi privedlo do oškodovanja domačinov, prepovedovali so zastave, poročstva in zastopstva za tujce. Tujci se v statutih obenem z meščani in prebivalci mest omenjajo kot možni prestopniki, nasilneži in kriminalci, a tudi kot žrtve. V pravnih obravnavah za zadeve, v katere so bili vpleteni tujci, je razsojal mestni glavar z uradniki.*

*Statutarni odloki so odražali skrb za mestno okolje in kultivirano zaledje, katerega koriščenje je bilo za tujce omejeno. V gospodarskem pogledu so mesta varovala svoje koristi; tujce so sprejemala, kadar so se prikladno vklapljali v njihovo gospodarsko politiko, in odklanjala, kadar so zanja pomenili neugodno konkurenco. Ključna gospodarska panoga v mestih, ki je vključevala tujce, je bila trgovina, ki so ji statuti namenjali veliko pozornost. Mesta so protekcionistično varovala in nadzirala lastno proizvodnjo elitnih kultur vina, olja in soli, ki so jih namenjala izvozu in preprečevala njihov uvoz, po drugi strani pa so odprtih rok*

*sprejemala uvoz prehranskih in drugih dobrin, ki jih je v mestih primanjkovalo. V tem smislu so omejevala ali podpirala dejavnost tujih trgovcev. Mesta so tujcem odrekala lastništvo svojega ozemlja in nepremičnin. Teh ni bilo dovoljeno odtujiti, prodati, obvezati, dati kot doto, zapustiti v oporoki ali oddati v zakup ali v obdelavo nedomačinom.*

*Izbrane tujce so mesta sprejela in jim omogočila enakopravno vključitev v svojo sredino. Novi naseljenci in meščani se v statutih omenjajo v številnih povezavah, iz katerih je razvidno, da so pridobili pravice in obveznosti domačinov. Glede postopka in pravil pri pridobitvi naseljenjskih pravic so med pregledanimi zlasti povedni tržaški in miljski statuti, ki vsebujejo prisego mestne soseske in stalnega bivanja v mestu (*vicinancia et habitatio perpetualis*).*

*Med pregledanimi statuti se zlasti tržaški statuti podrobno posvečajo odnosom s kleriki. Kazenskopravne kompetence mestne oblasti so širili tudi nad prestopnike iz vrst duhovščine. Miljski statuti omenjajo postopek v sporih med laiki in kleriki, medtem ko statuti ostalih treh obravnavanih mest sodne obravnave duhovščine ne omenjajo – verjetno je bila v pristojnosti cerkvenih instanc.*

*Čeprav so bili za blagovno-denarno poslovanje mest, kjer je primanjkovalo gotovine, Judje kot posojevalci denarja zelo pomembni, so v statutih omenjeni dokaj lapidarno, predvsem v kasnejših redakcijah statutov in v dodatkih k njim. Miljski, izolski in piranski statuti so vključevali tudi prisego Judov pred sodiščem, s katero so se zavezali, da bodo izpovedali in pričali po resnici in svojem vedenju.*

*Ključne besede: srednjeveški mestni statuti, tujci, duhovščina, Judje, doseljenci, vicini*

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## PALERMO FACING A HISPANIC POPULATION: DELIBERATIVE PROCESSES OF ACQUIRING CITIZENSHIP IN EARLY MODERN PALERMO

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### ABSTRACT

*This article aims to examine, through a historiographical review of the issue of foreignness in the early modern period, the paradoxical situation of the Spanish population residing in Palermo, Sicily, between the sixteenth and seventeenth centuries. Although subjects of the same Monarchy, they belonged to different kingdoms with their own legal and cultural traditions, and were thus perceived in Palermo as a kind of “recognizable” foreigner. Through textual analysis of primary sources and their integration into contemporary theoretical frameworks, this article seeks to explore the capacity of individuals to adapt to foreign institutions and environments.*

*Keyword: foreigners, early modern period, Sicily, migrations, institutions, Mediterranean mobility*

## PALERMO E LA SUA POPOLAZIONE ISPANICA. PROCESSI DELIBERATIVI DI ACQUISIZIONE DELLA CITTADINANZA NELLA PALERMO D'ETÀ MODERNA

### SINTESI

*Questo articolo si propone di analizzare, attraverso una revisione storiografica della questione della condizione dello straniero in età moderna, la situazione paradossale della popolazione spagnola residente a Palermo, in Sicilia, tra il XVI e il XVII secolo. Pur essendo sudditi della stessa Monarchia, gli spagnoli e i siciliani appartenevano a regni differenti, ciascuno con proprie tradizioni giuridiche e culturali; per questo motivo, gli spagnoli erano percepiti a Palermo come una sorta di stranieri “riconoscibili”. Attraverso l'analisi testuale di fonti primarie e il loro inserimento in modelli teorici contemporanei, l'articolo intende approfondire la capacità degli individui di adattarsi alle istituzioni e agli ambienti stranieri.*

*Parole chiave: stranieri, età moderna, Sicilia, migrazioni, istituzioni, mobilità mediterranea*

THE FOREIGNERSHIP HISTORIOGRAPHICAL DEBATE<sup>1</sup>

Is foreignness an inherent condition for a *non-regnicole* or outsider? In pre-modern states, characterized by a gradual—though never complete—concentration of power, what role did institutions play in recognizing belonging? What remained of the capacity of local communities and cities to govern themselves? These are some of the questions that have shaped the recent international historiographical debate on early modern foreigner condition. I will now focus on highlighting some of the most relevant aspects of the extensive historiography that has recently emerged, with the aim of identify the most promising approaches and, at the end of the article, to suggest a new analytical path that mediates between seemingly antagonistic currents.<sup>2</sup>

After overcoming the nationalist frameworks of analysis typical of the nineteenth century and part of the twentieth century, historians began to explore the legal condition of foreignness in the early modern period. One of the best examples is found in the edited proceedings of the annual meeting of the *Société Jean Bodin pour l'histoire comparative des institutions*, which in 1958 organized a seminar expressly to foreigner condition on history. The coordinator of the sessions, John Gilissen, contributed with an article in which he emphasized the geographical and temporal universality of the phenomenon of foreignness. Furthermore, Gilissen included a theoretical proposal that highlighted two major thematic areas. The first, dedicated to defining the object of study, addressed highly topical issues such as the conditional nature of the category of foreigner depending on the social group to which one belonged, the mechanisms of acquisition or loss the status, the paths to integration, and the various types of foreigners—tolerated, privileged, or disadvantaged. The second area focused exclusively on the legal status of foreigners in different historical societies (Gilissen, 1958).

However, this paradigm has proven not complete, and various voices have questioned the wisdom of limiting the study of foreigners in the early modern period to the “formal” or legislative aspects. Recently, many historians have become interested in how it worked in practice.

One of the first and best-known scholars to rigorously address this question has been Tamar Herzog (2006). She has explored the issue of foreignness in the Spanish case starting from the methodological premise of studying the social and legal practices surrounding *naturaleza* and *vecindad*. Her goal has been to understand who could be considered an integral part of the community that made up the Spanish Monarchy. Herzog proposed an interesting methodology, based on the awareness that modern categories of belonging did not depend on legal definitions or authoritative acts. They were generated by the ability to exercise rights or be compelled to fulfil

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2 For a more complete analysis of the state of the question, I refer to my PhD thesis *Españoles en Palermo. Extranjería, ciudadanía y presencia urbana (ss. XVI-XVII)*, read on January 23, 2025 and pending publication.

obligations. In this way, Herzog prioritizes the study of legal and social practices over the types of sources that had previously dominated the field, such as *cartas de naturaleza* or citizenship privileges. In her view, these merely ratified a status that could, in most cases, be recognized in fact without requiring royal validation.

While Herzog's work popularized this thesis within Spanish academia, earlier examples can also be found that already called for abandoning "formalist" positions, such as Simona Cerutti's work on the Duchy of Savoy in the eighteenth century or studies focused on the city of Rome (Feci, 2003; Cerutti, 2012; Cabibbo & Serra, 2017). These works highlight the importance of understanding the condition of foreignness in the *Ancien Régime* through the lens of the social dynamics inherent to a corporative society—such as patronage or clientelism—in shaping categories of belonging in practical rather than legal terms.

The *cittadinanza*—a category comparable to the Spanish *vecindad*—was the status that recognize inhabitants of a city and normally in early modern Europe required three general conditions for its application: residence, property, and family ties. However, the legal recognition of citizenship did not define someone's status as a "member of the community" but rather confirmed a status already assumed in practice. Recognition occurred not as a rule but as an exception in trouble cases. The *cittadinanza* "*rappresenta un indicatore dell'integrazione piuttosto che dell'immigrazione in senso stretto*" (Belfanti, 1994, 23). In his excellent work *Civitas*, Pietro Costa highlighted the subjectivity of the category, assigning it two essential characteristics: an inherent inequality—which clashes with modern conceptions of citizenship—and a negotiated nature (Costa, 1999, 15).

Applying the same interpretive framework seen in the case of *cittadinanza*, Herzog infers that Castilian *vecindad* was acquired through continuous social negotiation between the individual and the group, independent of formal declarations. However, these declarations responded—though with significant differences in every situation—to the individual's need to demonstrate fulfilment of their commitment to the community, a commitment that was often on doubt. These requirements would only be applied in cases of conflict, and what was evaluated was always the subject's intention or activity, interpreted by the local council. In other words, a deliberative process was carried out—understood as a particular interpretation of general legal precepts—in which those agents who held the authority to determine an individual's degree of belonging to the community participated (Herzog, 2006, 78–79).

To solve some problems of the practical application of these theoretical appreciations about early modern foreign status, Simona Cerutti proposed to overcome the concept of the "foreigner" itself. She argued for replacing its academic use with what she defines as the *condition d'étranéité*. For Cerutti, this concept allows researchers to account for the particularities of the phenomenon of foreignness in the modern period. Specifically, it delimits, based on everyday social practices, which individuals or groups could be said to occupy that condition and suffer its legal consequences. For the city of Turin in the eighteenth century, the basic characteristics of a foreigner were family and inheritance, property, occupation, and justice (Cerutti, 2012, 10). Cerutti asserts that the *condition d'étranéité* was a threat hanging over any inhabitant of a community, regardless of their place of birth.

As I am attempting to explain, the last two decades have seen the emergence of an opposition between two scholarly positions. However reductive the labels may appear to be, on one side we find the more “institutionalist” or legal perspective, and on the other, the “social” one. While at times the debate may have relied on a straw man fallacy, there is no doubt that Cerutti’s position contributes to the discussion. Of course, Cerutti’s proposal was not without criticism. The first and perhaps most notable is that Cerutti’s proposals—focused on the *ius albinagii*—tend toward a certain pretension of universality. Aiming to overcome the supposed dichotomy between formal and social positions, Peter Sahlins stated—in response to an article by Cerutti on French citizenship in the early modern period: “*La bonne façon de faire de l’histoire, telle que je la conçois, n’implique pas de choisir entre l’officiel et le vernaculaire, les normes et les pratiques, les États et les individus, mais de trouver des manières créatives de les rapprocher*” (Sahlins, 2008, 398).

Other scholars such as Roberto Zaugg, Domenico Maione, and Diego Carnevale have more recently joined the critiques of the presumed opposition between methodological approaches (Zaugg, 2011; Maione, 2020; Carnevale, 2024). Cerutti’s concept of *condition d’étranéité* sought to bypass the institutional frameworks of the *Ancien Régime*, leading to a denaturalization of the concept of foreignness. How can we, for instance, ignore the peace treaties signed between early modern states? These regulated—not only the presence of embassies—but also that of other state-recognized individuals in the territories of the signatories. And what of the *nations* corporations? These were hierarchical community organizations that created spaces generally tied to mercantile activity, though not exclusively.

Thus, the current historiographical situation urges us to seek points of convergence between the analysis of social practices and legal-institutional frameworks. Yet one of the fundamental challenges we face when addressing the issue of foreignness in the early modern period is the multiplicity of jurisdictions. Roberto Zaugg already warns that this must not be overlooked in any study seeking to analyse the phenomenon of foreignness in the *Ancien Régime*. Indeed, Zaugg’s object of study—the mercantile communities of powers such as France or England in eighteenth-century Naples—reveals the construction of a concept of the foreigner tied to the dynamics of jurisdictional unification pursued by eighteenth-century absolutist monarchies. However, beyond the normative framework established in peace treaties—which he acknowledges and emphasizes—Zaugg aims to study the situations of conflict faced by mercantile consulates (Zaugg, 2011, 59). These case studies allow him to argue that it was precisely in these conflicts and their resolution that a particular conception of the criteria for belonging emerged. In his case, belonging to the community of foreign merchants was based on the defence of legal privileges and mainly reflected the mercantilist ideology typical of the eighteenth century.

Summarising, the current state of studies on foreignness calls for a synthesis between the more “formalist” and the more “subjectivist” theses. From origins rooted in the nationalist fervour of their time to a problematization of the concept that has demonstrated the need to develop a rigorous, yet adaptable, methodology suited to

diverse contexts. Constructing a universal discourse on the condition of foreignness in the *Ancien Régime* is not only unattainable, but perhaps not even desirable. While this might appear to be an analytical shortcoming, it instead opens an optimistic path for new researches on the subject. It is in this paper that I wish to explore the potential of the concept of *deliberation* as a way to bring together these seemingly separate spheres of historical analysis and, at the same time, to present it through the case study of Hispanic communities in Palermo during the sixteenth and seventeenth centuries.

#### NATURALEZA AND FOREIGNERSHIP IN THE HISPANIC MONARCHY

What did it mean to be a foreigner in the Hispanic Monarchy? In the *Tesoro de la lengua castellana o española*, published in 1611 and considered the first vernacular dictionary in Europe, Sebastián de Covarrubias defined *extranjero* as the stranger in that land where he is (Covarrubias, 1611, *ad vocem*). This is one of the main characteristics of the concept, which will be repeated in all his enunciations up to the present day: his antithetical position. In other words, it was—and still is—a category defined based on its opposite. Very similar will be the definition that this lexicographer from Toledo, who became chaplain of King Philip II, gave for foreigner: one who is not from the same place, nor from the same land (Covarrubias, 1611, *ad vocem*). Now, in addition to the general meaning of the definition, I will pay attention to the terms used by the seventeenth-century writer: to what type of political unit does Covarrubias refer when he uses the word *tierra*—which can be translated as “land”? Is he talking about the kingdom, the diocese or the municipality?

*Tierra* was an ambiguous term, used both to refer to the ground that is being trodden on and to political entities such as the principality of Catalonia, as Xavier Torres i Sans (2008, 89–95) points out. But in addition to *tierra*, Covarrubias also refers to another term, which is somewhat more precise. Specifically, in his definition of *estrangeria* he states: that quality and condition of being a foreigner, and of another Kingdom (Covarrubias, 1611, *ad vocem*). What made Covarrubias complicate the definition by adding the word *reino*? The author himself gave us, indirectly, the answer when he cited as his source of information on which he based his definition the law 14 of title 3 of the *Recopilación de las Leyes destos Reynos* of 1581. This was a law which, in line with what was done *en todos los reynos y provincias de Christianos*, forced to give the ecclesiastical benefices to natives of the Crown of Castille. However, implicit in the formulation of this law itself is the fact that the construction of “foreignness” is based not so much on the strictly geographical origin of an individual. Moreover, as the recent historiography subscribes, the authorities are more interested on the ascension and domiciliation, signs through which to corroborate his integration—and presumed fidelity—to the community.

At this point, the lexicographic analysis agrees with the conclusions of Tamar Herzog about the Castilian conception of *naturaleza* and *vecindad* (Herzog, 2006). But in order to apply these concepts to the situation of the Spaniards in Sicily, we must first ask ourselves: what was the status and the role of Sicily in the Hispanic Monarchy? The Monarchy considered the island part of its Italian possessions by including its government in the Council of Italy formed in 1555 by Charles I/II, which decided on matters

concerning Naples, Sicily and Milan. Where then, were the Spanish residents in Sicily? Were they foreigners, natives, rulers, invaders, settlers...? Who were they? How did they present themselves to the institutions of the Monarchy and the local institutions? And to Palermitan society? In this case, the complexity of the question of foreigners is clear, because Sicily, while part of the Hispanic Monarchy, was a “foreign” kingdom for those arriving from the Iberian Peninsula.

## A PLURAL SPANIARD COMMUNITY BASED IN PALERMO

The historical connections between the Iberian Peninsula and Sicily started in 1282, with the revolt of the Sicilian Vespers. From that moment, Sicily became part of the dynastic possessions of the monarchs of the Crown of Aragon. Later, with the union of the Crowns of Castile and Aragon, the island passed into the hands of the Spanish Habsburgs. This secular union is the key to understanding the abundant and heterogeneous Hispanic presence in Sicily.

To apply these frameworks to the case of Palermo, it is necessary to delve into some of the historical particularities that characterized the relationship between the Hispanic population and the *felice*. From the early sixteenth century onwards, Habsburg rule profoundly shaped local power dynamics, while at the same time Sicily and its capital became increasingly integrated into the global sphere offered by the Monarchy. In this sense, Palermo engaged in an ongoing dialogue with the various dynasties that, since the thirteenth century, had co-governed the Kingdom from the Iberian Peninsula. For this reason, it would be inaccurate to adopt an interpretative model based on unidirectional decision-making.

The relationship between the Iberian Peninsula and the island of Sicily had already taken specific political forms during the medieval period—first under the Crown of Aragon and later within the Hispanic Monarchy. I do not intend to go so far back in time, nor to devote excessive space to what Braudel called “an almost motionless history” (Braudel, 2016, 18). While the proposal of the *Annales* master should not be misunderstood, my aim is not to produce a “totalizing” history that reduces the role of the individual to that of a mere “prisoner of a destiny over which he can exercise little influence” (Braudel, 2016, 892). On the contrary, I wish to situate this historical trajectory within the more recent scholarly tendency to consider mobility as an intrinsic feature of human societies (Nelles & Salzberg, 2023, 8). Emphasizing the significance of the everyday experience of mobility does not imply diluting it into a *totum revolutum* in which “mobility” comes to mean everything and nothing at once. Rather, it involves taking into account, as far as possible, the various analytical scales that may have influenced my object of study.

How, then, might this juridical and social context have affected the case of the Hispanic population residing in Sicily? Helmut Koenigsberger, one of the most influential authors on the political history of the Kingdom of Sicily within the Hispanic Monarchy, begins his work by stating that the Spanish felt in Sicily as members of the same political community, insofar as they were subjects of the same monarch:

*The Spanish considered Italy an extension of their own country. Since their sovereign held the title of King of Naples and Sicily, they expected to enjoy the same citizenship rights they enjoyed in Spain. The Neapolitans and Sicilians, on the other hand, considered Charles V and Philip II their own kings.* (Koenigsberger, 1997, 55)

To support this claim, he cites the work *Viaje de Turquía* (1557), traditionally attributed to the theologian from Valladolid, Cristóbal de Villalón.<sup>3</sup> During a voyage across the Mediterranean, in which the protagonist is captured by Turkish ships, he manages to escape and disembark in the Sicilian port of Messina. Upon setting foot on land, a pair of local guards questioned him about his right to be there, to which the protagonist replied that, since they were all subjects of the king (Charles I of Spain and II of Sicily), he had equal right as the Sicilians to be on that land. His argument spared him from being suspected of being a fugitive or a vagabond, though not from the twenty-eight-day quarantine imposed by the local sanitary protocol.

Through the anecdotic, the situation selected by Koenigsberger serves to illustrate the complex political and social entity that the Hispanic Monarchy represented, and how, within it, individuals played the card of belonging in whatever way they deemed most convenient. Even so, the legal boundaries were clear—albeit under constant negotiation—and the protagonist was unable to obtain any special treatment. Within the Hispanic Monarchy there were indeed legal, political, and cultural differences among the different kingdoms that comprised it. How, then, can we explain the innocence of the *Viaje de Turquía*'s protagonist? Beyond attempting to elude local justice, did his reasoning have any foundation? The truth is that the vision of a unified universal Monarchy in which all its members shared equal legal status was a project defended by more than a few political theorists of the time, and it coalesced into what we now refer to as dynasticism.

This consisted of the affective attachment of individuals in the *Ancien Régime* to a king—or queen—and his or her dynasty, and was materialised through political loyalty, which could acquire devotional methods of expression.<sup>4</sup> This sentiment is one of the keys to reading the states of the early modern period and, in the Hispanic Monarchy, it was not until the mid-seventeenth century that this system of loyalties began to show deep fractures.

3 The manuscript, which is anonymous, was initially attributed to Cristóbal de Villalón by Manuel Serrano y Sanz in 1905. Subsequently, its authorship has been the subject of debate, with Marcel Bataillon's version standing out, who maintains that the author would have been the humanist, Andrés Laguna. In any case, the author would always have been a literate individual of Castilian origin (Bataillon, 1958).

4 Semantically, Giovanni Muto highlights the use of the expression “loyalty” as the basis of the political system of the Hispanic Monarchy in the Kingdom of Naples: “*un meccanismo di continua negoziazione tra il sovrano e i regnicoli che intuirono sin dall'inizio gli spazi che si aprivano nei rapporti tra un sovrano assente ed un regno che nella congiuntura politica della prima metà del Cinquecento fungeva da frontiera verso la minaccia turca nel Mediterraneo*” (Muto, 2023, 37).

Therefore, the Spaniards who arrived in Sicily between the sixteenth and seventeenth centuries coexisted with different sensibilities and ways of recognising identity and juridically belonging. This was manifested in the coexistence of different entities, known by historiography as “nation corporations”, dedicated to different national groups coming from the Iberian Peninsula and located in Palermo. First of all, we must talk about the Catalan nation. It was composed mainly of merchants and businessmen—as the rich families Sánchez and Torongi, mostly from Barcelona, but also from other cities of the Crown of Aragon, such as Valencia and Mallorca. There is evidence of their stable presence from the fourteenth century (Del Treppo, 1976, 134). In the city they founded a *Lonja*, a chapel dedicated to Our Lady of Montserrat in the church of San Domenico and, later, their own church of *Santa Eulalia*, its construction started in 1583. Due to their historical connections to the island, they are the first example of a stable Iberian community in the city, and they maintained their activity at least until the War of the Spanish Succession in 1701.

In 1508, after the unification of the crowns of Castile and Aragon, the presence of officials, soldiers and merchants from the Crown of Castile became increasingly evident. For this reason, the secretary of Viceroy Hugo de Moncada, the Biscayan Juan del Río, founded the chapel of Guadalupe in honour of the Castilian and Biscayan nations, in the church of Santa Maria degli Angeli, popularly known as the Gancia (INE, AOP, SMG, 53, f. 246r) There were also the foundations directly dedicated to the Spanish nation, which located in the upper part of the city, next to the permanent location of the viceregal palace. These, including the Hospital of San Giacomo and the chapel of the Virgen de la Soledad, maintained a close relationship with the viceregal institutions and were mainly aimed at the Spanish soldiers and civil servants who lived in the city.

Even if this is not the whole picture, it represents a portion of how difficult it is to limit the Iberian presence in Palermo to a single category. What was their relationship with the Palermitan *cittadinanza*?

## DELIBERATING THE CITIZENSHIP IN PALERMO

Which institution granted the *cittadinanza*? From the Middle Ages and throughout the early modern period, it was the Senate of Palermo, the council of the city and was held in the Palazzo delle Aquile or Palazzo Pretorio, where the town hall resides until today. Both names are a reference to the source of legitimacy of Palermo’s civic pride: the Roman Empire (Natoli, 2020, 21). However, the origin of this symbolism can be traced back to the Middle Ages rather than to antiquity. The Senate was headed by the *praetor*, who was accompanied by six jurors and a Captain of Justice. All the officers had to be Palermitan citizens. They remained in office for one year and, with a few exceptions, they could not be re-elected consecutively.

But to properly understand the Senate’s agency during the sixteenth and seventeenth centuries, it is necessary to speak of the Crown’s actions to control it. The “practice of empire,” as Helmut Koenigsberger stated, consisted of seeking a balance between the imperial needs of the Crown and the demands of the local oligarchies. In this sense, one

political practice from the “centre” of the system was to place Spanish ministers at the head of the most important offices (Koenigsberger, 1997). Some Spanish viceroys in Italy, such as Juan de Vega and the Duke of Medinaceli, argued that this was the only way to guarantee the proper performance of the imperial system (Koenigsberger, 1997, 95). However, the tradition of self-government in Sicily made things difficult for the viceroys. Although not in an absolutist sense, the Monarchy intervened in Palermo’s politics in a decisive way and changed it, thanks to its prerogatives over those who acceded to local positions of power.

In the Hispanic period, the viceroy was responsible for nominating the *praetor* and the juries. This indirectly gave him some power over the granting of citizenship. Nevertheless, on most occasions he chose members of the urban oligarchy close to the Crown, avoiding appointing Spaniards directly—which could have contravened the privileges of the city. Sometimes the Senate urged the viceroy to distinguish between *cittadini oriundi et per ductionem uxoris oriundi* and *cittadini per privilegio* (ASCPa, Lettere e biglietti, 1, f. 97r–v).

This was not an abstract claim. Rather, it aimed to resolve a conflict that had arisen following the issuance of a royal edict restricting the sale of wine and fruit in the city to those holding the legal status of citizens in 1633. Acting on public counsel, the city resolved to demand that citizens by privilege be subject to a higher tax than native-born citizens. The argument put forth by the Senate was that the viceregal order had led to a situation in which *molte persone s’hanno fatti cittadini per privilegio per godere detti prezzi* (ASCPa, Lettere e biglietti, 1, f. 97r). As a result, the city was losing a significant portion of tax revenues that it considered legitimate. Although the debate extended beyond the municipal sphere, the issue of who constituted “true” citizens versus those who had only recently acquired the status was also raised in the Council of Italy through a speech by the Sicilian regent Pietro Corsetto. Although his opinion was ultimately not taken into account in the final decision, he argued for the necessity of distinguishing between native Sicilians and newly naturalized individuals, in order to reserve municipal offices for the former. Also, in the Council of Italy there was a debate on the supposed distinction between “true” citizens and citizens who had recently acquired that status. Although the viceroy’s power was not absolute, his influence may have been decisive in determining the Senate’s predisposition to grant citizenship to Spaniards residing in Palermo (AGS, SS.PP., 1. 776, ff. 127r–128r).

But these cases of conflict were, as registered in the primary sources, exception of the daily life of the institution. What was the Senate’s position with regard to the foreign population? From different points of view, both early modern authors and actual historians have spoken of Palermo as a city opened to foreigners. During the demographic crisis of the fourteenth century, many Mediterranean cities facilitated the calculated access of foreigners to the status of *cittadino* (Bresc, 2013, 236) The aim of the citizens’ assemblies was to promote the political and economic growth of the city. To this purpose, they established particularly lax formal criteria. In 1335, King Peter II confirmed an edict stating that *exteri* residing in the city with a wife and family could acquire the *cittadinanza* through a privilege given by the Senate. This was immediately followed by the *decreta civilitatis*

issued by King Louis I in 1346, which established that any *exteri* could be declared *cives Panormi* through marriage to a woman native or citizen of Palermo, but also if they could prove, regardless of the origin of the family, *animo habitandi et morandi ibidem* and after having resided in the city continuously for a period of one year, one month, one week and one day (Vigiano, 2004, 11).

Did it mean that any man who fulfilled these requirements acquired the *cittadinanza*? Not at all. Reading the ceremonial speech granting citizenship, the complicity between the applicant and the members of the Senate—praetor and juries—is clearly showed. This played a key role in the acceptance of the application for recognition of citizenship, as the case of the Catalan merchant Melchor Bruguera on 1616 states (ASCPa, ABP, Provv., n. 650, ff. 102v–104r). It was not a mechanical bureaucratic process in which only the formal requirements were taken into account, which, on the other hand, any inhabitant of Palermo could have easily met. Beyond these, the “friendship” of the *praetor* and the juries with the applicant was valued. They personally recognised the merits and honour of the candidate and judged if they were enough to represent the city—with mention of its insignia, the eagle (ASCPa, ABP, Provv., n. 650, f. 103r). This may have been the case, for example, of Pedro Hernández de la Rosaleda, sergeant of the fortress of *Castello a mare* and rector of the chapel of Virgin of Guadalupe between 1583 and 1597. He was declared a citizen on August 27, 1588 by the then *praetor* of the city Andrés Salazar, governor of the same castle, captain of the Spanish infantry in Sicily and one of the main exponents of the Castilian nation in Palermo.<sup>5</sup>

Moreover, many of the members of the Catalan nation also enjoyed the status of citizens. One of the most prominent was the Catalan merchant Gabriel Mas. Between 1610 and 1611 he served as treasurer of the Catalan nation, giving him responsibility for the community’s patrimony and for collecting the tax that the nation collected on goods arriving from the Crown of Aragon. Before his death, Gabriel Mas must have attained a very high socio-political prestige in the city of Palermo, as he was appointed as *rettore mercadante* in order to control the spread of the plague that devastated the city between 1623 and 1624 (Di Marzo, 1869, 129).<sup>6</sup> At a time of deep crisis for the city, this position gave him powers reserved for the most trusted citizens of the local oligarchy.<sup>7</sup>

5 In order to be elected *praetor* of the city, he had previously acquired Palermitan citizenship (ASCPa, ABP, Provv., n. 630, ff. 269r–270v).

6 For more about the plague that devastate Palermo between 1623 and 1624, cf. Mazzola (2018).

7 *Damos licencia al Capitán de iusticia, Pretor y Jurados desta dicha ciudad, para que puedan elegir y nuembrar las personas que les parecieren a propósito, además de las que tienen deputadas para la buena execución de las casas, que fuere conveniente hazer para evitar la dicha enfermedad, que para promulgar bando o bandos en nuestro nombre con las penas a ellos bien vistas, hazer inventarios de bienes, prosider a presión, tortura, azotes, destierro, y asta a cinco años de galera, pur que si la pena huviere de ser de más tiempo, o de muerte, o de mutilación de miembros, las reservamos a nos, quemar rapacebrar las penas que serán puestas, sin dar término ninguno, prosedendo en esto a ex abrupto a modo de guerra, les damos la facultad y potestad que se requiere. Y la misma autoridad concedemos a los deputados, que están nombrados o se nombraren en los quarteles durante el tiempo que la dicha enfermetad no cessare* (Di Marzo, 1869, 127–128).

The fact that Gabriel Mas reached this position shows us that he was fully integrated into the local oligarchy, enjoying the confidence of both the viceroy and the city's praetors and juries. His activities within the church of *Santa Eulalia*, far from keeping him isolated from the local community, enabled him to establish commercial and personal links with local individuals. And, of course, a national church of the Catalans was revealed, which was at the heart of integration and not just differentiation.

Citizenship was not a requirement for residing in Palermo, nor did it excessively limit an individual's opportunities for social and economic advancement. Even so, the city's openness to its concession and the good socio-political position from which many Spaniards' residing in Palermo started out made the recognition—or non-questioning—of their status as *cives Panhormi* more accessible to them, an important, though not decisive, step in their process of settlement (Canepari, 2012, 101–116).

## CONCLUSIONS

The proposal of “deliberation” as an analytical terminology applied to the studies of early modern foreign status would bring us the opportunity to connect two key aspects of the most recent historiographical production: the institutional and the individual points of view.

In the case of the Spanish population, they found in viceregal Palermo a legal framework that was presumably open—both due to its historical tradition and the specific circumstances of Hispanic domination over the island and its institutions. Although the Senate did not come to be entirely governed by Spanish officials, the Palermitan elites who dominated it were inclined to favor the most prominent members of Palermitan society of Iberian origin. Thus, the process of civic deliberation was inevitably shaped by the broader historical and political context.

At the same time, individuals acted according to their own interests and took advantage of this climate of openness to claim recognition of a civic status that, in practice, was not strictly necessary to engage in business in the city. Through the interplay of these two elements—the institutional environment and individual social practices—processes of deliberation in the early modern period emerge as yet another analytical tool available to historians for further exploring the condition of foreignness in the early modern world.

## PALERMO IN SOOČANJE S ŠPANSKIM PREBIVALSTVOM: POSTOPKI DELIBERACIJE O PODELITVI MEŠČANSTVA V ZGODNJENOVOVEŠKEM PALERMU

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### POVZETEK

*Prispevek obravnava položaj španskega prebivalstva v Palermu v 16. in 17. stoletju v širšem kontekstu mobilnosti med Iberskim polotokom in Sicilijo v času španske oblasti. Zgodovinsko gledano je Palermo pogosto veljal za odprto in gostoljubno mesto za tujce, ki je omogočalo družbeno, politično in gospodarsko vključevanje. Ta odprtost pa je soobstajala z željo mestnega senata po ohranjanju tradicionalnih privilegijev, zlasti pristojnosti za podeljevanje državljanstva (cives Panormi). Takšno dvojno razmerje je povzročalo napetosti, predvsem zaradi prisotnosti Špancev, ki so bili pogosto imenovani na visoke upravne položaje, običajno rezervirane za domačine. Razprava proučuje, kako se je senat opredeljeval do tega prebivalstva in kako so potekali formalni ter neformalni postopki razmejevanja med tujci in domačini. Analiza presega institucionalni okvir in vključuje tudi perspektivo samih Špancev. Članek razišče, ali so si prizadevali pridobiti palermsko meščanstvo ali pa je njihov družbeni status takšno prizadevanje naredil nepotrebno oziroma nezaželeno. Prispevek obravnava heterogenost španskih skupnosti – od katalonskih trgovcev, ki so imeli privilegiran dostop do lokalnih oblastnih struktur, do vojakov, podvrženih vojaški jurisdikciji – ter poudarja, kako so družbeni položaji vplivali na različne strategije vključevanja. Na podlagi arhivskih raziskav italijanskih in španskih virov se razprava umešča v sodobne historiografske tokove o vprašanju tujstva v okviru Španske monarhije ter obravnava Palermo kot študijo primera sredozemskih praks deliberacije o statusu tujcev. S tem izziva poenostavljeno, homogeno predstavo o španskem prebivalstvu v tujini in poudarja raznolikost njihovih izkušenj ter načinov vključevanja v lokalno okolje.*

*Ključne besede: tujci, zgodnji novi vek, Sicilija, migracije, institucije, sredozemska mobilnost*

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THE INTEGRATION OF THE MEMBERS OF THE DE SURDIS  
FAMILY FROM PIACENZA IN THE COMMUNE OF ZADAR IN THE  
FOURTEENTH CENTURY

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*ABSTRACT*

*Based on published and unpublished archival sources mostly from the State Archives of Zadar and relevant literature, the author presents the activities of the members of the de Surdis family from Piacenza in the commune of Zadar during the reign of King Louis I the Great of Hungary-Croatia and their integration within Zadar and Dalmatia in general. After a short introduction on the position of Dalmatia and Zadar in the Angevin period, author gives general information about foreigners in Zadar which is followed by information about the most prominent members of the de Surdis family and offices they held in the commune of Zadar.*

*Key words: Middle Ages, Dalmatia, Zadar, King Louis I the Great, foreigners, the de Surdis family*

L'INTEGRAZIONE DEI MEMBRI DELLA FAMIGLIA DE SURDIS DI  
PIACENZA NEL COMUNE DI ZARA NEL QUATTORDICESIMO SECOLO

*SINTESI*

*Basandosi su fonti archivistiche edite e inedite provenienti dall'Archivio di Stato di Zara e sulla letteratura di riferimento, l'autore presenta le attività dei membri della famiglia de Surdis di Piacenza nel comune di Zara durante il regno del re Luigi I d'Ungheria-Croazia e la loro integrazione a Zara e, più in generale, in Dalmazia. Dopo una breve introduzione, l'autore fornisce informazioni generali sugli stranieri a Zara, seguite da dati sui membri più illustri della famiglia de Surdis e sulle cariche da essi ricoperte nel comune di Zara.*

*Parole chiave: Medioevo, Dalmazia, Zara, re Luigi I il Grande, stranieri, famiglia de Surdis*

INTRODUCTION<sup>1</sup>

Medieval Dalmatia was a constituent part of the medieval Kingdom of Croatia-Dalmatia, which consisted of two rather different parts. The first of them, Croatia, was a coherent territory stretching from the mountain chains of the Dinaridi to the Adriatic Sea. The second part of the kingdom's title, Dalmatia, was the term applied to territorially disconnected cities and islands stretching from the Kvarner in the north to Boka Kotorska in the south. However, the whole area shared similar characteristics because of the fact that all its constituent parts had maintained a strong continuity with the late antique settlements in both their ecclesiastical and their secular traditions, and had a very similar economy, almost identical to that of neighbouring Italy. The population (including the urban nobility) had become highly Slavicized (Croatized) as early as the early Middle Ages and this process had constantly progressed as it approached later times. Most of the population was bilingual, which facilitated the transfer of cultural innovations from Italy. Dalmatian cities also shared a common development of civic institutions (communes), even though there were significant differences in the pace of that development among them, which was very much influenced by the development of their Italian counterparts. By the election of King Coloman of Hungary as the king of Croatia-Dalmatia, the area became a constitutive part of the Kingdom of Hungary-Croatia and of the royal nomenclature.<sup>2</sup>

Among all Dalmatian cities, a special place belonged to the commune of Zadar (Zara), which, at that time, was the greatest city of the Kingdom of Croatia-Dalmatia, distinguishing itself as a cultural, political, and economic metropolis. Due to its geographical position in the middle of the East Adriatic coast, and as a starting point on the sailing route towards the West Adriatic coast (Ancona), in the period from the eleventh to the fourteenth century, Zadar was in the centre of the political interests of Venice, the kings of Hungary-Croatia and Croatian noble families from the hinterland, which resulted with victory of royal policy with the Treaty of Zadar in 1358, by which the whole coastal area came under the firm royal rule.<sup>3</sup> This period of the rule of the House of Anjou over the Kingdom of Hungary-Croatia was very important for the city of Zadar and for Dalmatia in general, because they were at the centre of royal policy enabling connection of the dynasty's Central European possessions with those in the Kingdom of Naples, which stimulated their economic, social and cultural development. Therefore, at the same time, Zadar and Dalmatia became of great interest for immigration of different types of newcomers, either on permanent or temporary basis, including those connected to royal policy in the area, as will be the case of the de Surdis family discussed in this paper.

1 This article is based upon work from the COST Action CA22149 *Research Network for Interdisciplinary Studies of Transhistorical Deliberative Democracy (CHANGECODE)*, supported by COST (European Cooperation in Science and Technology).

2 For more information cf. Raukar (1997; 2007), Goldstein (1999), Supičić (1999) and Hercigonja (2008).

3 For more information about history of Zadar, cf. Brunelli (1913), Klaić & Petricioli (1976). For the importance of the Treaty of Zadar for its development, cf. Ančić & Nekić (2022).

## FOREIGNERS IN THE COMMUNE OF ZADAR

The largest circulation of foreigners and newcomers in the medieval commune of Zadar, and in general in all Dalmatian communes was certainly connected with trade as one of the most important economic branches of medieval society. Due to the closeness of both sides of the Adriatic the largest number of foreigners in Zadar came from Apennine Peninsula, from those provinces that are geographically oriented towards Zadar and with which throughout history the commune of Zadar established various connections, from cultural and economic exchange to political interests. Thus, the presence of the Anconitans which can be attributed to the ‘traditional friendship’ between the two cities, is also confirmed by trade agreements from 1258 and 1288 (CD 5, 88–90; CD 6, 620–633). In the context of cultural exchange, in the thirteenth and fourteenth centuries, the arrival of numerous people from Bologna and Padua, two university cities, can be explained by the fact that they made up most of the communal officers.<sup>4</sup>

It is important to mention that the presence of Venetians from the second half of the fourteenth century was significantly reduced due to the new political change of government, which resulted in the loss of privileges they enjoyed during the Venetian rule over Zadar. Namely, their privileged position was confirmed also by the Statute of Zadar in which it was explicitly stated that the Venetians are not to be considered as foreigners. Therefore, during the reign of King Louis, Florentines succeeded the Venetians thanks to the business connections they established in the 1370s with the Neapolitan Angevins. However, Florentines came only to those communes which allowed them to expand their business and stayed only as long as the trade and monetary politic was strong and stable (cf. Bartulović, 2019, 140–144).

Foreigners who have decided to settle in Zadar for a longer period held the status of *habitor* or *nunc habitator* but some of them, due to their activities, positions or wealth, could get a full citizenship. They belonged predominantly to the merchant, artisan and intellectual classes.<sup>5</sup> It is important to mention that among foreigners and newcomers during the reign of King Louis I special place belonged to the officers delegated by the king.

## THE OFFICERS OF KING LOUIS I THE GREAT IN THE COMMUNE OF ZADAR – A CASE OF THE DE SURDIS FAMILY

In the period of the twelfth and thirteenth centuries, the royal presence in Dalmatia was hardly visible and Dalmatian communes enjoyed a high degree of autonomy. During the reign of King Louis I the Great that in a way changed how the

4 For further information on foreigners, specifically notaries employed in the Zadar commune, cf. Grbavac (2006, 80–83) and Grbavac (2010, 69–74).

5 For more information about foreigners in Zadar in the second half of fourteenth century, cf. Bartulović (2019, 135–177).

king intervened directly in the life and governance of Dalmatian communes, so the presence of royal power became much more visible, especially due to the officers delegated by the king.<sup>6</sup>

Among all the officers who were delegated by the king during the second half of the fourteenth century, a special place belongs to two families originating from Italy. It was the de Sorba and de Surdis families, whose members, due to their loyalty to the king, gained prominent political positions in the Zadar communal administration and that of the other parts of Dalmatia. They were also the king's political supporters in his fight against the Venetians. The de Sorba family belonged to the nobles of Genoa, and two members of the family gained a high political position in the commune of Zadar. It was Baltazar de Sorba, who was in the early 1360s on the head of the Dalmatian-Croatian Chamber of Salt and the Thirtieth Office and in the late 1360s he held the title of royal admiral. Baltazar's son Raphael also held important political positions. He held the position of *comes* of Split and became a royal knight. Even though they were foreigners, Baltazar and his son Raphael were well accepted in their new environment and became members of the nobility of Zadar. However, after Raphael's death in the Crusade in 1396, the family disappeared from political life of the commune (Grbavac, 2009, 227–240). Besides Raphael de Sorba, at the same time existed in Zadar also his namesake who belonged to another family, the de Surdis family, which is the subject of this paper.

The de Surdis family was also of Italian origin and its members were nobles of Piacenza.<sup>7</sup> The first member of the family mentioned in Zadar sources was Francis, son of Manfred de Surdis who worked as a notary in Zadar. Before becoming a notary in Zadar, he performed the same service in his hometown, as is known from a document drawn up in Venice in 1346, in which Francis is mentioned in the role of a witness to some residents of Dubrovnik (Ragusa) and in which he is mentioned as *notario Placentino* (CD 11, 318–319). Francis was a public notary in Zadar from 1349 to 1350 (CD 11, 341, 596–597). He was also a notary of the Zadar *curia* (CD 11, 582). His notarial register which contains documents composed from October 1349 to April 1350, has also been preserved.<sup>8</sup> It is known that after quitting his service in Zadar, he worked as a notary in Split. First, in 1356 he was in the service of archbishop of Split, Hugolino Branco (CD 12, 352), and a year later he worked as a communal notary. Namely, in December 1357, *podestà* of Split, who at that time was Gentilis de Chalio (Stipišić & Šamšalović, 1982, 82–84), requested that he stay in the service for another two years (Stipišić & Šamšalović, 1982, 164). Francis'

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6 For more information, cf. Gál (2025, 30–64) and Grbavac (2008, 89–116).

7 The Hungarian historian Antal Pór in his work *De-Surdis II. János esztergomi érsek* claims that the family came to Italy from England, and their first ancestor was Galvano who settled down in Sordio. For the history of the family, cf. Pór (1907).

8 His register was edited by Jakov Stipišić and published in SZB (1977).

service in Split ended in June 1359 (Stipišić & Šamšalović, 1982, 239) and in December of the same year he started to perform notarial service in Dubrovnik. He remained in the service for a short time due to a conflict with the government of Dubrovnik. Namely, the government of Dubrovnik confiscated a letter he had sent to one of his relatives in Split, in which he had secretly informed him of the intentions of the government of Dubrovnik regarding some ongoing court proceedings. For this reason, he was even imprisoned and immediately dismissed from the service in January 1360 (Tadić, 1935, XXV). Nothing is known about his life after finishing his service in Dubrovnik, but it is likely that he influenced other members of this family to come to Zadar. Unlike Francis, other members of the family built political careers in the commune of Zadar which at that time was in the period of its greatest political independence and influence within the scope of the newly established rule of King Louis I. During the Angevin period, members of the family de Surdis established strong ties with the royal court and held significant positions on both communal and state level.

The first of them was John de Surdis, one of the four sons of Dominic de Surdis. Biography of this important member of the family is well known, especially regarding his ecclesiastical functions (Engel, 1996, 218). He was born in Piacenza where he was obviously ordained priest. It is possible that he came from Piacenza to the Kingdom of Hungary upon the invitation of his former schoolmate James of Piacenza, who was at that time the provost of Bratislava (Pozsony) and personal physician of King Charles I of Hungary-Croatia, and later became the bishop of Cenad (1333–43) and in 1343 the bishop of Zagreb (Dobronić, 1995, 116–119).

John de Surdis is mentioned in the sources in 1349 as a chaplain of bishop of Nitra, Nicholas, who was also a candidate for bishop of Zagreb (*postulatus*). Nicholas requested for his chaplain from Pope Clement VI the position of a canon in the Chapter of Zagreb and the prebend there as well as the dignity in the Diocese of Zagreb if any were vacant. At that time John de Surdis was already the cantor and canon with the prebend in Chapter of Čazma and also was the canon with prebend in the Church of St. Anthony in the Diocese of Piacenza. Before taking the position of canon of Diocese of Zagreb, he had to renounce his positions of the cantor and canon of the Chapter of Čazma as well as a canon of the Dioceses of Piacenza (cf. Jerković, 2018, 418). In 1351, John de Surdis appears in the documents as the provost of Kalocsa, who represented the Archbishop of Kalocsa, Dionysius, in the Apostolic Chamber and on his behalf undertook to pay the debt of Dionysius' predecessor, Stephen, of 260 florins for common taxes, and 40 florins for four small taxes. In 1352, as the provost of Kalocsa, he represented the Archbishop of Esztergom, Nicholas, on whose behalf he undertook to pay 36 florins for common taxes and 10 gold florins for four small taxes. As the provost of Kalocsa, he also represented the Archbishop Dionysius, in the Apostolic Chamber in 1355, when he paid 225 gold florins for the common taxes

and 75 gold florins for four small taxes (cf. Jerković, 2018, 418).<sup>9</sup> Obviously, he held this position till the end of 1362, when in the beginning of January 1363, Pope Urban V confirmed him as a Bishop of Vác (Engel, 1996, 64, 71, 75). He spent the following years abroad, while he was a member of papal administration of the Papal State in Italy for Pope Urban V. He was also a strong confidant of King Louis I and even his personal chaplain (Bossányi, 1918, 397). As such, he sought the support of Pope Urban in the question of legitimacy of King Louis I claim on the Polish throne in 1369 (Galla, 1970, 125).

John had not only an ecclesiastical career but a political one as well. When the king's distant cousin Charles of Durazzo was granted the title of Duke of Slavonia in 1371, John de Surdis, at that time bishop of Vác acted as governor of the province on his behalf (*vicarius regni Sclauonie generalis*) (Engel, 1996, 18). In the next year, 1372, when Duke Charles took over the actual administration in Croatia and Dalmatia, John de Surdis was appointed as his *vicarius generalis* in Dalmatia (Engel, 1996, 23). Taking the fact into account that John was sent to Dalmatia a few months before Charles's arrival, as Tomislav Popić already argued in 2024, it could be concluded that John's role in Dalmatia, at least partly, was preparing the ground for the administration of Charles of Durazzo (Popić, 2024, 97).

It is important to mention that Charles of Durazzo held also the position of Ban twice (1372–74, 1376) (Engel, 1996, 23–24)<sup>10</sup> but he did not hold the position of *comes* of Zadar.<sup>11</sup> That position was given to John de Surdis (DAZd, BZ, PP, b.1, fasc. 16, fol. 5r) and moreover he also became *comes* of the island of Korčula (DAZd, OK, kut. 1, fasc. 4, fol. 9v).<sup>12</sup> It is possible that his positioning as *comes* of Zadar and of the island of Korčula served as a preparation for the war between Venice and Genoa, Zadar was the largest and the most important Dalmatian city when sailing

9 In the document composed in 1358, he is mentioned as the provost of Cologne (*ad preposituram Coloniensem*) (CD 12, 458) but in fact he was the provost of Kalocsa. This mistake was caused by incorrect transcription of adjective *Colocensis* to *Coloniensis*.

10 Duke Charles during that time held also position of Ban, as is clear from letters and charters of King Louis (KASp, OIL, fasc. 528, fol. 66r; fasc. 541, fol. 169v; MNL, OL, DL 6320).

11 Namely, when King Louis I defeated Venice in 1358 and the peace treaty was concluded in Zadar, he not only regained control of the Dalmatian territories previously under Hungarian control but was also able to expand its territory (compared to the territories held during the Árpád era) to southern Dalmatia. Thus, the king established a system whereby the position of Ban of Croatia-Dalmatia was combined with that of *comes* of Zadar, and Zadar itself, as the most important city in Dalmatia, was to become the administrative centre of the Kingdom of Croatia-Dalmatia. The Ban of Croatia-Dalmatia was the most important member of King Louis' Croatian-Dalmatian administrative officialdom, who traditionally governed the province in the name of the king, and oversaw jurisdiction, financial administration, judiciary, military affairs, and could also appoint the local, royal officials. For more details, cf. Gál (2022, 570–590).

12 The position of royal admiral was also connected to that of *comes* of the three islands (Brač, Hvar and Korčula). Already in the 1360s, after Nicholas Szees left the position of Ban of Dalmatia and Croatia at the end of 1366, the king began to change individuals in this position more frequently, but the system of administration persisted until 1371, when it was changed by the appointment of Stjepan Lacković as Ban of Dalmatia and Croatia and Petar de Belante as *comes* of Zadar. Thus, the royal court moved away from the previously described system of appointing the bans of Dalmatia and Croatia as *comes* of Zadar (1371). For more details, cf. Gál (2022, 570–590).

from Venice to the south, and Korčula, which had an exceptional strategic position given that all ships sailing to the north of the Adriatic basin passed through the Canal of Pelješac, as was recently argued by Popić (2024, 96).

At the end of 1372 or the beginning of 1373, he also held the position of *comes* of Nin (CD 14, 501) and was also the royal treasurer from 1373 until 1375 (Engel, 1996, 52). John was generally one of king's closest and most trusted men who, together with his family, for his faithful service received the fortified castle of Lipovec in 1373. This marked the beginning of relocation of the family to Slavonia which thereafter was referred to with the surname of Lipovečki.<sup>13</sup> John was elected Bishop of Győr sometime around May 1375. However, in January 1376 he was transferred to the Archdiocese of Esztergom by Pope Gregory XI (Engel, 1996, 64, 71, 75; Jerković, 2018, 418). After Charles of Durazzo left Dalmatia for Naples in 1376, to claim the Neapolitan crown, the king once again appointed John as his *vicarius* in Dalmatia (KASP, sv. 64, fol. 25r), and he held this position until his death (ASFŠ, CD, fol. 104r/17p). He died around May or June 1378. It is important to mention that he should not be confused with his another relative also called John de Surdis, who lived at the same time and was the Bishop of Vicenza (Campi, 1662, 141).

John de Surdis had three brothers (Raphael, Michael and Luke)<sup>14</sup> among whom one was his successor in positions in the royal administration, as well as at communal level in Zadar (Engel, 1996, 218; Dokoza & Andreis, 2020, 532–533). It was Raphael de Surdis who, unlike his brother John who belonged to ecclesiastical circle and was occupied with various diplomatic mission on both ecclesiastical and royal level, actually lived in Dalmatia, in the commune of Zadar and was completely integrated in its society. In November 1372, he succeeded his brother on the position of *comes* of Zadar (DAZd, BZ, PP, b. 1, fasc. 17, fol. 9r). During 1373, Raphael also took over the position of *vicarius generalis* in Dalmatia from John (CD 14, 502), and presumably held it till the departure of Charles of Durazzo from Dalmatia (CD 15, 199–200).

It is important to mention that with the departure of Charles of Durazzo in 1376, the regular system of government in Dalmatia and Croatia was re-established and the position of ban was once again entrusted to Nicholas Szecs, who would then by default also occupy the position of *comes* of Zadar, but his brothers, John and Raphael, did not leave their positions. Obviously, the king was satisfied with their political services, so Raphael stayed on the position of *comes* of Zadar until April of 1378 (CD 15, 360). After that, Nicholas Szecs united the titles of Ban of Croatia and Dalmatia and *comes* of Zadar, which also represented a return to the previous administrative structure.

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13 For more information about the de Surdis family after they moved to Slavonia, cf. Miljan (2015, 37, 41–42, 81, 88–89, 104, 121–122, 126, 151, 175, 196, 232).

14 Michael is mentioned in sources from 1372–84 (Engel, 2001). He was probably more engaged in Hungary than in Zadar, but was accepted into nobility of Zadar in 1372. Luke was apparently dead already in 1372, and was not mentioned in that grant, even though he had son John, mentioned from 1373–80.

From the documents composed in September 1375, it is evident that Raphael was also *comes* of the commune of Nin and *comes* of Ostrovica (DAZd, BZ, PS, b.2, fasc. 2, fol. 3r–4r). Even though Raphael lived in Zadar, little is known about his private life. From the document drawn up in September 1375, it is evident that he bought from the Zadar nobleman John de Gallo nine silver washing basins for the price of 300 gold ducats, which John de Gallo held in pledge from the former prior of Vrana (DAZd, BZ, PS, b.2, fasc. 2, fol. 1v). Raphael was married to a certain Helen. It is possible that she was a member of some Zadar noble family and maybe his second wife. We surely know that Raphael died in the commune of Zadar in the beginning of the 1380s (Dokoza & Andreis, 2020, 533). That is evident from the document composed in 1388, in which his wife Helen requested from the Zadar patricians Francis de Zadulinis and Bartholomew de Ciprianis to purchase a land property for the Church of St. Mary Presbiterorum in Zadar in which the altar of St. Simon was located and whose priests had to pray for the salvation of Raphael's soul (DAZd, BZ, AR, b. 1, fasc. 3/3, fol. 6v–7v). The connection of Raphael and St. Simon once again indicates his strong connection to the royal court, considering the fact that the saint's cult was highly influenced by Queen Elisabeth, who in 1377 entrusted to her most loyal knights from the ranks of Zadar patricians to ensure that a silver chest was made as soon as possible to keep the body of Saint Simon (Grbavac, 2004, 41).

Raphael had two sons, Nicholas and John, who apparently also lived in Zadar, at least while Raphael lived there. However, due to a new political situation after the death of the King Louis they moved to Slavonia and took the surname Lipovečki. From the document composed by the Zadar notary Peter from Sarzana in 1385, it is evident that Nicholas was *castelanus* and *vicarius* of Ban John, son of Benedict (DAZd, BZ, PS, b. 2, fasc. 25, fol. 10v; cf. Dokoza & Andreis, 2020, 533). After they moved to Slavonia, they got married there and were integrated into the nobility of Hungary.<sup>15</sup>

The third important member of the family de Surdis was Raphael's relative, Galeazzo de Surdis. It is not clear which branch of the family he belonged to. However, what is known for certain from few documents drawn up in Piacenza from 1363 to 1375 is that they were related, as it was stated that Raphael was a relative of the aforementioned John, Bishop of Vicenza, as well as of the jurists Gabriel and Galeazzo and of the physician John, son of Francis, who was also a physician (Campi, 1662, 148).

Galeazzo was educated as is evident from the sources in which he is styled as *licenciatus in iure civili*. He is first mentioned as the head of the *Curia maior ciuilim* of Zadar on 8 March 1371, but in April of the same year he was replaced by three Zadar patricians. He appears again as a judge of the *Curia maior ciuilium* on 10 November 1372 and held this position continuously until 25 August 1374. (cf. Popić,

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15 For more information cf. Engel (2001; *sub voce* Lipoveci), Miljan (2015, 37, 41–42, 81, 88–89, 104, 121, 175, 232) and Nekić (2023, 41–42).

2014, 216). In December 1372, Galeazzo is mentioned as a *vicarius* of Bishop John.<sup>16</sup> As his representative Galeazzo was sent to the commune of Pag accompanied by the Zadar canon Matthew de Butadeis and other Zaratins, where he ordered the public reading and translation of two letters *in idioma Sclauonica* about the appointment of the nobleman Krševan de Varicassis as *vicarius* of Pag after the return of the island to jurisdiction of Zadar. According to sources dated in 1373, he was also *vicarius* of *comes* of Zadar Raphael de Surdis (cf. Popić, 2024, 82). It is certain that Galeazzo in Zadar was a person of the king's confidence, and not so much connected with the local authorities, as it was more the case of his relatives John and Raphael. It is known that in the 1370s King Louis I established a Royal Appellation Court for Dalmatia with its headquarters in Zadar, headed by Galeazzo de Surdis. He indeed took on this role which is evident from two of his preserved judgments which are preserved in fragmentary deeds of the Zadar notary Lawrence from Reggio, which were issued for that court. Also, from the notes of Croatian historiographer Ivan Lučić it is evident that Raphael de Surdis, at that time *vicarius Dalmatie et Crouatie generalis*, on March 31 1373 ordered to pay to Galeazzo salary for one-year service, who, as the note states, held the position of 'judge of appeals in Dalmatia' (cf. Popić, 2024, 77–78). Thus, at the same time as Galeazzo was on position of judge for civil disputes in Zadar, he also held the position of king's judge for appeals in the Dalmatia (*iudex appellationum in civitatibus, terris et locis Dalmatia pro domino rege*) (CD 14, 527). In February 1375, he also held a political position, that of *comes* of Šibenik (NSK, ZR, R 3931).

However, taking all facts into account, it can be stated that their faithful service to the king led also to their integration into the elite of the commune of Zadar. Namely, upon their arrival in the Zadar, the de Surdis brothers were accepted into the nobility of Zadar. As is evident from the document composed in November 1372, John and his brothers Raphael and Michael were admitted into the nobility of Zadar by the decision of the *Consilium rogatorum*, and then by the decision of the *Conslium generale*. (Granić, 1994, 280). Their acceptance into the nobility of Zadar, as is stated in the text of the document, was reward for taking certain steps towards the king due to the 'harmful actions' and 'false accusations' of the Archbishop of Zadar, Dominic of Durazzo. Their acceptance is also related to the fact that they did much, especially John, in restoring the island of Pag under the jurisdiction of Zadar. However, in addition to these three brothers, the document reveals two more people who were admitted into the nobility of Zadar. They were Archdeacon Stephan from Krk and a certain physician Francis. As stated in the documents, it seems that they were also brothers. From the document it is not clear which family they belonged to, but in my opinion, they were most likely also members of the de Surdis family. Physician Francis could be the one already mentioned in the documents from Piacenza as a relative of Raphael de Surdis, which may be revealed by further research of the de Surdis family in the State Archives of Piacenza.<sup>17</sup>

16 [D]omino Galiaç de Surdis de Placentia licentiato in iure, uicario domini Iohannis episcopi Uaciensis, uicarii generalis in partibus Dalmatie et Croatiae (Antoljak, 1949, 11).

17 For another opinion, perhaps erroneous, cf. Popić (2024, 80).

## CONCLUSION

From all information presented above, it can be concluded that the de Surdis family represents a specific case of the integration of foreigners into the commune of the Zadar. The family could acquire their first information on Zadar and Dalmatia in general from its member, notary Francis, who performed his service after Zaratín rebellion against Venice did not succeed. But when the House of Anjou took over the crown of the Kingdom of Hungary-Croatia, it significantly changed its politics towards the Adriatic region. That was especially evident at the beginning of the rule of King Louis I the Great and his attempts to restore its authority in Croatia. The king's primary goal was to connect the two sides of the coast (to connect the Kingdom of Hungary-Croatia with the Kingdom of Naples). Zadar was supposed to serve as a central point from which they could control both Adriatic coasts. Zadar itself also had an interest in implementing such policies, because it found a new backing in its fight against Venice, since the commune alone was not strong enough to resist Venetian hegemony. Therefore, King Louis started to create an administrative elite who helped him exercise authority in the Kingdom of Croatia-Dalmatia. In implementing such policies an important role belonged to the de Surdis family whose members held prominent political positions in the commune of Zadar as well as in Dalmatia in general. They did not want to be just passing foreigners in Zadar, but it was important for them to become part of the local community, and therefore they were admitted into the nobility of Zadar. Most likely, their presence in Zadar and Dalmatia in the spring of 1372 was to prepare the ground for the arrival of Duke Charles of Durazzo and also to accelerate the preparations for the war between Venice and Genoa. Therefore, the brothers John and Raphael took over the ducal daily affairs in Dalmatia, while their relative Galeazzo took over the judicial ones. It can be also stated that John de Surdis had the king's trust, while his brother Raphael was the confidant of the Duke Charles of Durazzo. This is especially evident from the fact that John was appointed *vicarius generalis* in Dalmatia in 1372, but when Charles of Durazzo took over the actual administration in Croatia and Dalmatia this position was given to his brother Raphael, who apparently held it until Charles' departure from Dalmatia. After his departure, the king again entrusted the position to John de Surdis. After the death of King Louis I the Great, members of the family moved to Slavonia due to a new political situation.

## INTEGRACIJA ČLANOV DRUŽINE DE SURDIS IZ PIACENZE V ZADRSKI KOMUN V 14. STOLETJU

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## POVZETEK

*V času vladavine kralja Ludvika I. Velikega (1342–1382) je bilo Kraljestvo Ogrske in Hrvaške v marsičem v svojem »zlatem obdobju«, saj je tedaj doseglo največji obseg ozemlja v svoji zgodovini. Kralj je oblikoval upravno elito, ki je upravljala tudi Kraljestvo Hrvaške in Dalmacije. Pomembno vlogo v tem obdobju je imela plemiška rodbina de Surdis iz Piacenze, zlasti v komunu Zadar, ki je bil tedaj najpomembnejše mesto v Dalmaciji. Člani rodbine so tam zasedali vidne položaje v upravi komuna ter se postopoma začeli vključevati v zadarsko družbo. Prvi član rodbine, omenjen v virih, je Frančišek, sin Manfreda de Surdisa, ki je deloval kot notar v Zadru (1349–1350), Splitu (1356–1359) in Dubrovniku (1359). Verjetno je prav on spodbudil druge člane družine k preselitvi v Zadar, kjer so nato igrali pomembno vlogo tako na ravni komuna kot v širšem prostoru. Med najvidnejšimi so bili škof Janez (Johannes) de Surdis ter njegovi bratje in sorodniki, ki so zasedali pomembne politične funkcije v Dalmaciji in nasploh v okviru kraljevine Ogrske in Hrvaške. Posebej izstopa Raphael de Surdis, ki je opravljal službo župana (comesa) Zadra in kraljevega vikarja v Dalmaciji. Čeprav družina de Surdis v Zadru ni ostala dolgo, je pripadala intelektualni in politični eliti mesta. Pridobili so polno meščansko pravico in bili celo sprejeti med zadarsko plemstvo. Po smrti kralja Ludvika pa so se zaradi spremenjenih političnih razmer člani rodbine preselili v Slavonijo, kjer so prevzeli priimek Lipovečki in postali ogrski plemiči.*

*Ključne besede: srednji vek, Dalmacija, Zadar, kralj Ludvik I. Veliki, tujci, družina de Surdis*

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DELIBERATING ON FOREIGNNESS:  
MIGRANT INTEGRATION AND DELIBERATIVE PRACTICES  
IN A CATALAN CRAFT GUILD (ca. 1580–ca. 1600)

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*ABSTRACT*

*Recent scholarship has portrayed European craft guilds as more inclusive towards new members than previously assumed. Their role in the integration of newcomers into urban communities has been highlighted as a gateway to a practical notion of citizenship. However, the role of guild deliberation practices in the integration of migrant individuals has not been examined. The present work aims to address this issue through a case study of late sixteenth-century Catalonia. Between 1580 and 1600, the wool weavers' guild of the town of Terrassa integrated large numbers of French migrants into its membership. Through a series of institutional and electoral reforms, the deliberative practices of the guild gradually evolved to further include the foreigners, initially underrepresented.*

*Keywords: craft guilds, early modern Catalonia, French migration, integration, deliberation, electoral reforms*

DISCUTERE LA CONDIZIONE DI STRANIERO. INTEGRAZIONE DEI  
MIGRANTI E PRATICHE DELIBERATIVE IN UNA GILDA ARTIGIANA  
CATALANA (CA. 1580 – CA. 1600)

*SINTESI*

*La recente storiografia ha descritto le gilde artigiane europee come più inclusive nei confronti dei nuovi membri di quanto si ritenesse in passato. Il loro ruolo nell'integrazione dei nuovi arrivati nelle comunità urbane è stato evidenziato come una via d'accesso a una nozione pratica di cittadinanza. Tuttavia, il ruolo delle pratiche deliberative delle gilde nell'integrazione degli individui migranti non è stato ancora esaminato. Il presente studio intende affrontare tale questione attraverso un caso di studio della Catalogna della fine del sedicesimo secolo. Tra il 1580 e il 1600, la gilda dei tessitori di lana della città di Terrassa integrò un gran numero di migranti francesi tra i propri*

*membri. Attraverso una serie di riforme istituzionali ed elettorali, le pratiche deliberative della gilda si evolveranno gradualmente fino a includere in misura maggiore gli stranieri, inizialmente sotto-rappresentati.*

*Parole chiave: gilde artigiane, Catalogna della Prima età moderna, migrazione francese, integrazione, deliberazione, riforme elettorali*

## INTRODUCTION<sup>1</sup>

Craft guilds were traditionally portrayed as closed institutions. Membership control was considered a key-element to successfully restrict access to manufacturing in urban areas. The privilege to manufacture and sometimes commercialize the specific products associated with a trade, the so-called guild monopoly, was considered to be essentially linked to membership control. However, though some authors still maintain this approach,<sup>2</sup> most of the recent contributions state otherwise. Since the renewal of guild studies in recent years, this old stereotype has been addressed to offer a complex interpretation of inclusiveness in early modern craft guilds.<sup>3</sup> These efforts have resulted in a significant conclusion: even though some guilds controlled membership according to the traditional stereotype, many others did not. Openness to new members from outside the trade, the town or from different migrant backgrounds was more common than previously thought. Two factors were key to shape openness to new members: Guilds in big towns and cities, and those in prosperous trades, were far more open to new members (Prak et al., 2020, 439–440).

Moreover, craft guilds' openness to new members has also been revised qualitatively. Maarten Prak's approach to citizenship in early modern Europe, understood in a pragmatic sense, has addressed guilds as key institutions in urban communities to integrate outsiders: 'economic citizenship through the guilds' was possible for newcomers in places where guild membership automatically implied formal citizenship. When it was not the case, guild membership could also imply citizenship in a less formalized way: where citizen rights could be exercised by newcomers in the same way as formal citizens, a practical form of citizenship existed. And guild membership could indeed offer a way to exercise the same rights as locals, in practice (Prak, 2018, 7, 85, 113–114).

1 This article is based upon work from the COST Action CA22149 *Research Network for Interdisciplinary Studies of Transhistorical Deliberative Democracy (CHANGECODE)*, supported by COST (*European Cooperation in Science and Technology*).

2 Most notably Ogilvie (1997; 2004; 2008; 2014; 2018; 2021).

3 About this change of approach towards craft guilds, cf. Lucassen, De Moor & Van Zanden (2008) and Epstein & Prak (2008).

But perhaps a more complex reality existed inside each guild and its approach to new members of foreign origin, and this scenario could be internally addressed through deliberative practices. Craft guilds have barely been cited or studied as spaces for deliberation (Putnam, 1993, 121–162; Crowston, 2001, 256–296; Klüge, 2007; Blunden, 2016, 43–59; Molas Ribalta, 2019; De Munck, 2022, 95–96; Figueras i Gibert, 2025). Furthermore, the role that guild deliberation practices had in the integration of members of foreign origin has not been directly studied. This paper aims to address this issue. In the sixteenth-century Catalan town of Terrassa, one of the main local guilds, the wool weavers', had to deal with a significant number of migrant members of French origin. To do so, its deliberative structures were progressively modified to represent the foreigners, initially underrepresented and left out of many of the guild's offices.

The present work explores this process of integration during the late sixteenth century drawing primarily on sources from the local *Arxiu Històric de Terrassa* (AHT). Only one council book of the wool weavers' guild has been preserved, covering the period between 1580 and 1600. Fortunately, its pages provide detailed insight into how the guild's deliberative practices concerning foreign members evolved over time. This study will trace this historical process with the goal of addressing a past experience in which large numbers of migrants were integrated into the deliberative practices of a craft guild.

#### MIGRATION AND ECONOMIC CHANGE IN A NUTSHELL: THE SOCIAL AND ECONOMIC LANDSCAPE OF LATE SIXTEENTH-CENTURY CATALONIA

What drives a community to change its usual practices in order to evolve? Considering craft guilds to be 'a world within a world' (Rappaport, 1989, 23–60; De Moor, 2008, 197), historical processes of internal change may be closely linked to the complexities of the surrounding urban context. Late sixteenth-century Terrassa and its guilds were no exception to this. A small-sized town by European standards, Terrassa had developed as one of the major towns under royal jurisdiction in the County of Barcelona since the High Middle Ages. The town's strategic location on the road between Barcelona and Manresa led to its growth as a fortified settlement with market and municipal privileges (Borfo & Roca, 1987, 172–177).

Although the town's development suffered a major crisis during the fourteenth and fifteenth centuries, the 1500s followed a different trend. After having its jurisdiction sold to the city of Barcelona in 1391, Terrassa was again incorporated into the royal domain in 1473. New reforms and privileges modified the town's government and allowed it to expand beyond the medieval walls (Solé i Sanabra, 1987, 200–209). Unprecedented demographic growth shaped the early modern town: from 1497 to 1570, Terrassa grew from just over 260 to

nearly 1,200 inhabitants; by 1640, this number had risen to over 1,900.<sup>4</sup> This growth can be linked, among other factors, to two main causes: a period of intense economic development, as the town specialized in producing mid- to high-quality woollen textiles, and the arrival of large numbers of migrants, most of them from the French Midi.

Indeed, from the sixteenth century onwards, Terrassa developed into one of the main wool manufacturing towns in Catalonia. Its importance in the trade grew during the following centuries, such that by the eighteenth and nineteenth centuries, the town had become one of the leading industrial centres in the region (Benaül Berenguer, 1992, 58–59; Moreno Zacarés, 2019, 153–154). This industrial flourishing was rooted in the changes that shaped sixteenth and seventeenth-century Terrassa, which its town council described as ‘one of the most populated in the Principality of Catalonia, and growing each day as a result of the great wool cloth production that is practiced in the town’ (AHT, Uni, LCUV, 4/1, 45r).

However, Terrassa was not the only Catalan town to follow this trajectory. The town’s new economic specialization was linked to a broader process that shaped early modern Catalonia. Between 1550 and 1640 the Catalan economy underwent significant structural changes that affected the manufacturing sector of the Principality (García Espuche, 1998, 22–24). Wool manufacturing had traditionally been concentrated in the main Catalan cities, especially in Barcelona, and had prospered during the Middle Ages: high-quality cloth was among the principal exports of the Catalan capital (Riera Melis, 2005, 71–72). After the Catalan Civil War (1462–72), however, the trade in Barcelona suffered a crisis that shaped its early modern decline (Bonnassie, 1975, 179–182).

The demise of the textile trade in the capital was followed by its flourishing in other towns with commercial ties to Barcelona. As a result, a new productive hierarchy emerged, characterized by local specializations in various qualities of cloth. Among these, a high tier of production specializing in mid- to high-quality included towns located in the Vallès, Anoia and Llobregat Montserratí regions, which remained significant until the end of the *Ancien Régime* and eventually surpassed Barcelona in importance (Benaül Berenguer, 1991, 114–116, 124–126). Towns such as Esparreguera, Olesa de Montserrat, Igualada, Sabadell, and Terrassa gradually emerged as key centres within these regions (García Espuche, 1998, 114–168).

Due to the smaller size of these towns, the corporative structure that developed therein was simpler than that of Barcelona. Most towns that specialized in mid- to high-quality cloth had a two-guild system. The majority of trades involved in wool manufacturing – mainly carders, shearmen, throwsters and dyers – were organized

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4 The preserved local censuses, called *fogatges*, compile the amount of families present in the town. The most common practice to translate the sources into the total number of inhabitants is to multiply by four, as stated by Nadal (1978, 52). The three mentioned censuses account for a total of 66 (1497), 292 (1570) and 485 (1640) families (Berenguer & Coma, 1987, 36–40). Multiplying by four, this accounts for 264 inhabitants in 1497, 1,168 in 1570 and 1,940 in 1640.

in a single guild: the wool manufacturers' (*paraires*). The guild was named after the artisans who purchased raw wool and oversaw the entire process of turning it into cloth by subcontracting the work of other artisans. In contrast, weavers (*teixidors*) belonged to a separate guild that safeguarded its independence from the wool manufacturers through its own set of regulations. Nonetheless, conflicts between the two guilds were common (Benaul Berenguer, 1991, 125–127). Terrassa had this type of guild system in place at least since the early sixteenth century (Figueras i Gibert, 2024, 56), and both corporations were further consolidated from the 1560s onward, during an era of economic expansion (Coma i Ainsa, 1987, 244–248).

Parallel to these changes, large numbers of French migrants – most of them men – were arriving in late sixteenth century Terrassa and Catalonia. French migration has been identified as one of the most important demographic processes that shaped early modern Catalonia, primarily between the late fifteenth century and the 1660s. It went through different phases, reaching its peak between 1540 and 1620, before gradually declining afterwards (Nadal & Giralt, 2000, 129–132). Although its impact varied across different Catalan regions (Dantí Riu, 1982, 135; Gual i Vilà, 1991, 71–73), the newcomers, most of whom came from the Midi, represented a significant proportion of the population in various areas. Although we lack precise figures, García Espuche and Guàrdia i Bassols's analysis of the 1640 census of Barcelona suggests that French foreigners made up about a sixteen percent of the population in the Catalan capital (García Espuche & Guàrdia i Bassols, 1986, 31).

The explanations behind this migration are diverse and remain a topic of discussion. Internal and external causes have been highlighted to explain the phenomenon (Vila i Palacín, 2024, 19–24). On the one hand, after the Catalan Civil War, the Principality suffered a demographic deficit that, along with a restructuring of the countryside following the Arbitral Sentence of Guadalupe (1486), led to higher wages and increased demand for labour in the fields (Nadal & Giralt, 2000, 172–176, 180–182). On the other hand, overpopulation in some southern French regions and the resulting poverty, combined with the impact of the Wars of Religion in the late 1500s, have been identified as external causes of the migration wave (Capdevila, 2014, 206; 2018, 89). Moreover, historical, dynastic, religious and cultural ties between the Midi and Catalonia have also been identified as contributing factors (Nadal & Giralt, 2000, 166).

Yet migrants did not only come to work in the Catalan fields. Many French craftsmen helped shape the urban landscape of Catalonia upon their arrival. Their widespread presence has been documented in cities such as Barcelona (Nadal & Giralt, 2000, 191), Lleida (Vilalta, 2003), Manresa (Rafat i Selga, 1993, 42) and Girona (Domènech i Casadevall, 1999). Many medium-sized towns such as Esparraguera, Argentona, Olesa de Montserrat, Ripoll and Sabadell received large numbers of migrant tradesmen as well (García Espuche, 1998, 64). These foreigners often organized in their own confraternities (Moreu-Rey, 1959, 15–16; Massanell i Esclassans, 1980, 71; García Espuche, 1998, 64; Nadal & Giralt, 2000, 102–106), but also joined local guilds in many of the economically flourishing towns (García Espuche, 1998, 65–68).

Terrassa was one such town. According to Núria Sales (1989, 103), in 1583 a majority of the town's craftsmen were of French origin, which aligns with the economic changes shaping early modern Terrassa. In 1639, the municipal council stated that over a hundred houses in Terrassa were inhabited by French families, and many French journeymen lived in the town as well (Almazán Fernández, 1989, 51). Their presence was so significant that a street in the town was named *dels gavatxons* – 'of the French' – (Almazán Fernández, 1992, 31). As a result, during a period of economic expansion, its textile guilds – especially the wool weavers' – eventually integrated many members of foreign origin (Coma i Ainsa, 1987, 242–243).

#### DEBATING FOREIGNNESS. MIGRANT INTEGRATION AND DELIBERATIVE PRACTICES IN THE WOOL WEAVERS' GUILD OF TERRASSA

The wool weavers' guild of Terrassa exemplifies the aforementioned historical processes. Although the weavers were able to form their own guild, they were dependent on the wealthier wool manufacturers to work. The regulations set out in their statutes sought to limit the power of the wool manufacturers: only master weavers were allowed to own a loom and to maintain an independent workshop, thus ensuring a degree of productive autonomy (AHT, Uni, Gr, LCOP, 10/1, 1.2, fol. 6r). Still, since most weavers did not own the wool they wove, they relied on subcontract by wool manufacturers, which limited their opportunities to prosper. As a result, the guild was one of the most modest in the town (Figueras i Gibert, 2024, 62–65).

Prior to 1587, the guild relied on a rudimentary deliberative structure that would evolve in the following years. It held a single general council, accessible to all weavers, both masters and journeymen (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 1r–2v). Councils were also not held very frequently during the early 1580s: as shown in Table 1, between 1580 and 1585, the weavers' general council met only one to three times each year. Although the council was accessible to all members, this infrequent meeting schedule limited most guildsmen's opportunities for participation, as the day-to-day practice of the trade was controlled by the guild's officials and deans.

Not surprisingly, most of the councils held during these years focused on electing the guild's officials. The guild was presided over by two deans, called consuls (*cònsols*), along with four administrators that organized the corporation's religious life. In addition, three accountants (*oïdors de comptes*) supervised the guild's finances. The consulate was the most important office, since the two consuls were in charge of regulating the trade. The guild's laws from 1579 made them responsible for prosecuting any fraud against the weavers' regulations, alongside the town's bailiff. Furthermore, the consuls benefited from one third to the half of the fines collected through the prosecution of unlawful practices (AHT, Uni, Gr, LCOP, 10/1, 1.2, fol. 5r–6v).

Although elections were held annually, the mechanisms used were not particularly representative, and differed between offices. On the one hand, administrators and accountants were elected through a composite system that allocated the offices between masters and journeymen. On election day, both groups elected a set of electors – usually

*Table 1: Guild councils held between 1580 and 1585.*

<b>Year</b>	<b>Date of each council</b>	<b>Number of councils held</b>
1580	date unknown	2
	23 July election (all offices)	
1581	6 April	3
	14 July election (consuls)	
	22 July election (administrators and accountants)	
1582	21 July election (administrators and accountants)	2
	26 July election (consuls)	
1583	19 July election (administrators and accountants)	3
	25 July election (consuls)	
	7 September	
1584	23 July election (administrators and accountants)	2
	26 July (consuls)	
1585	23 July election (administrators and accountants)	1

four, two masters and two journeymen – who then had to choose four administrators and three accountants: the first four were equally distributed between masters and journeymen, while the latter had a majority of masters: only one journeymen accountant was elected (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 2r–7v).

On the other hand, the consuls were elected by sortition: each year, the names of all candidates were written in wax balls and placed in a bag, from which a seven-year-old child would draw the names of the elected officials. This system was already in use by the wool manufacturers' guild of Terrassa (Coma i Ainsa, 1987, 236–237), as well as by many other Catalan corporations. Since the late fifteenth century, the method had been adopted by many Barcelonese guilds in order to prevent electoral fraud and conflicts commonly associated with other practices, such as co-optation and direct election by open councils. In 1499, a privilege by King Ferdinand II of Aragon made sortition mandatory in all the guilds of Barcelona (Bonnassie, 1975, 45–46). During the sixteenth-century, many guilds throughout Catalonia also adopted sortition, although its broader diffusion has yet to be thoroughly studied (Figueras i Gibert, 2025, 329).

Sortition could also be manipulated to influence election outcomes. The weavers implemented formalised mechanisms to restrict access to the consulate, as only masters were eligible. However, less formalised strategies of exclusion also existed within the guild: although it was not legally codified in its statutes (AHT, Uni, Gr,

Table 2: Percentage of Catalans and foreigners elected (1580–87).

Year	Electors		Administrators		Accountants	
	% of elected Catalans	% of elected foreigners	% of elected Catalans	% of elected foreigners	% of elected Catalans	% of elected foreigners
July 1580–July 1581	87.5	12.5	100	0	66.6	33.3
July 1581–July 1582	100	0	75	25	100	0
July 1582–July 1583	75	25	75	25	100	0
July 1583–July 1584	75	25	75	25	100	0
July 1584–July 1585	75	25	75	25	66.6	33.3
July 1585–July 1586	75	25	50	50	100	0
July 1586–July 1587	75	25	75	25	100	0

LCOP, 10/1, 1.2, fol. 5r–6v), later guild council records state that only Catalan masters were eligible for the consulate (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 41r). Considering that most councils held prior to 1586 dealt exclusively with elections, and that the consuls carried out the majority of trade regulations, the guild's deliberative structures were far from representative.

This is particularly significant, as the weavers' guild, as previously noted, included many members of French origin: a council record from 1587 stated that a majority of members were of foreigners (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 14v). And the French were not only discriminated in their non-access the consulate, but also in other offices. Later reforms to the electoral system specify the origin of each member upon election,<sup>5</sup> which makes it possible to analyse whether or not foreigners were discriminated against prior to 1587, as shown in Table 2.

The percentages shown in the table include both masters and journeymen; I have chosen to combine these two categories according to their origin in order to simplify the analysis, since, in theory, these offices were shared by both. As the data indicate, the majority of the guild's electors, administrators and accountants between 1580 and 1587 were Catalans. Only in 1585 were half of the elected administrators of migrant origin. In the rest of the offices, foreigners constituted a minority. Notably, between 1581 and 1584, and again between 1585 and 1587, no foreigners were elected as accountants.

In 1586, an electoral reform was approved to partially introduce sortition to elect the electors 'in order to avoid any fraud' (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 11r). Perhaps

5 All the following tables make clear distinctions between members of Catalan and foreign origin, the latter being the word used in guild sources to refer to French guildsmen. The origin of each member has been established according to the information provided in the executive council elections that started being held after 1587.

this happened in response to pressures for better representation, but the documents do not tell us. Candidates' names were to be placed into two different hats – one for the masters and one for the journeymen – and sortition was to be carried out as in the election of the consuls. Although, in theory, direct elections of the electors, as practiced before 1586, could have led to greater representation of the foreigners if they had organized themselves as a distinct group, the reality was different. Sortition may have been perceived as a mechanism to avoid factionalism during elections and, therefore, to improve the representation of foreigners. However, as shown in Table 2, the outcomes of the elections of 1586 were not significantly different from those of previous years: only twenty-five per cent of the electors and administrators were foreigners, and none were elected as accountants.

Further reforms were discussed the following year. On 21 July 1587, a council approved a new reform proposed by the consuls: sortition was to be introduced to elect two masters as administrators that, together with the consuls, would be responsible for selecting the journeymen for the remaining offices. In addition, they were to appoint four *insaculadors* for a new and closed council – that is, individuals tasked with determining which members would be eligible, by sortition, to serve on the council. This reform was not explicitly aimed at discriminating against foreigners, but rather against journeymen. Indeed, representative discrimination against foreigners and journeymen could be considered two different issues. Yet in the early years of the following century, the town council noted that most journeymen of the trades practiced in Terrassa were of French origin (Almazán Fernández, 1989, 51). Furthermore, the council records state that four journeymen – all of them foreigners – opposed the reform (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 13v).

Journeymen and foreign underrepresentation seemed to be closely linked, as demonstrated in the following councils. On the 22 July 1587, a council of masters met to further reform the deliberative structure of the guild. Twenty-eight journeymen tried to attend, and their names were initially listed after the masters', but they appear to have been subsequently crossed out. Were they excluded from the meeting? It cannot be stated with certainty, but among these journeymen, a clear majority – eighteen or around two thirds – were foreigners. In contrast, the majority of the thirty-one masters present – seventeen, or around half – were Catalans (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 13v–14r). A majority of Catalan masters had tried to push through a reform that clearly faced the opposition from many guildsmen who, though they were either journeymen, foreigners, or both, were still guild members.

This lack of unanimity was probably noticed by the masters. As a result, the reform approved on the 22 July was quite different. Sortition was to be implemented to choose the accountants, the administrators, and an executive council, but the elected candidates would be drawn from two separate bags: one for Catalan masters and the other for foreign masters. This allowed for an equal distribution of all offices between locals and foreigners, as long as they were masters. It was probably a concession to the foreign masters, underrepresented in the previous system. With this reform, foreign masters secured their representation, since all offices and the composition of the executive council would now have to be equally shared; even the *insaculadors*

appointed by the previous reform would have to be shared between Catalans and foreigners (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 14).

But the journeymen, the majority of whom were foreigners, remained under-represented despite their willingness to participate. Two days later, 31 journeymen gathered in front of the town's bailiff. Of them, twenty – approximately two thirds – were of French origin.<sup>6</sup> Their goal was to respond to the reform imposed by the masters, and they did so by creating a parallel elective system to choose the offices traditionally reserved for journeymen. They appointed four *insaculadors*, equally divided between Catalans and foreigners, and established that their duty would be to select the candidates for two separate journeymen bags – one for Catalans and one for foreigners. These bags would be used to elect two administrators, two accountants and their representatives to the new executive council, all of them equally shared between the two groups. Most significantly, the council granted the four journeymen *insaculadors* the same authority as the masters: 'and just as the masters have power, so too shall the four chosen have it, and also that regarding these matters they may legislate and do as they see fit, and impose fines as well'.<sup>7</sup>

Although the masters had introduced a form of sortition that allowed the representation of foreign masters in most offices, the journeymen unilaterally proposed a new reform to ensure their equal representation. Moreover, their proposal was legalized by the bailiff, further complicating the situation for the masters. At this point, the guild may have been on the verge of splitting, and the emergence of a separate journeymen weavers' guild seemed possible. Such specialized journeymen guilds existed in early modern Catalonia, as seen in the examples of the tailors and shoemakers of Barcelona (Molas Ribalta, 2017, 132); in Terrassa itself the journeymen of all other trades, except the weavers, were part of a common confraternity (Figueras i Gibert, 2024, 57).

In response, the masters acted swiftly and convened a meeting with the journeymen on the same day. This time, a unified council was held, presided over not by the traditional administrators and consuls, but by all the *insaculadors* previously appointed by each group. The outcome was the approval of a set of guild laws focused primarily on the electoral system. Sortition would now be the main method for electing four administrators, four accountants and sixteen executive council members. Four bags would be used in the elections: one for Catalan masters, one for foreign masters, one for Catalan journeymen, and one for foreign journeymen. Each office was to be equally shared between the four bags, and the candidates for each bag would also be equally distributed among the four groups, and all candidates would be selected by the *insaculadors*, who themselves were to be chosen according to the same representative principles. Finally, all elected officials – regardless of whether they were locals or foreigners, masters

6 The meeting was assisted by eight Catalan journeymen (25.81 per cent) and three members of non-specified origin (9.68 per cent) (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 14v–15r).

7 [Y] axí conforme los amos tenen poder y que-l tinguen també los quatre elegits, y també que sobre de assñ puguen ordonar y fer lo que-ls appar y posar penes també (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 15r).

or journeymen – would hold equal authority (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 15v–18v). In theory, the journeymen had achieved their goal, and a more representative elective system had been established.

The new reform may have satisfied the journeymen, particularly those of foreign origin, but local masters retained the control over the consulate, which remained exclusively accessible to Catalan masters. Less than a month afterwards, on 14 August, the consuls summoned a council of masters. Of the thirty-one attendees, seventeen were Catalans.<sup>8</sup> During the meeting, the consuls proposed a law that directly undermined the interests of the journeymen, especially foreigners: from that point forward, any master who rented a loom to a journeyman would risk forfeiting their mastership and would be fined by the consuls. Additionally, a new tax of three Catalan *lliures* was imposed on every journeymen seeking to become a master and wasn't the son of a Catalan (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 19v–20r).

This law, which was passed by a majority of votes, sought to curtail journeymen aspirations for participation and social mobility. It reinforced masters' control over the means of production by penalizing those who allowed journeymen any degree of productive independence. At the same time, it significantly reduced journeymen's opportunities to prosper, especially for those without local familial ties. While foreign journeymen may have secured representation in some guild offices, they lacked both the economic possibilities of masters and the advantages of locals to access mastership. As long as the consulate remained under the control of Catalan masters, their ambitions would remain limited, despite the establishment of an elective reform designed to represent them.

In the years following the 1587 reform, the guild's deliberative structure remained formally unchanged. The reformed offices were promptly elected through the new electoral process, but the executive council was not held regularly until 1589 (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 20v–22v). This regularity was even more limited than expected. As shown in Table 3, the frequency of executive council meetings between 1589 and 1599 was lower than that of the earlier general councils. Meetings ranged from zero to three per year, with a noticeable decline over time: while three councils were held in 1589, none took place in 1591, and from 1595 to 1599, only electoral councils were summoned. Moreover, most of these meetings were not genuine deliberative assemblies, but elections, which indicates that the representative mechanisms established in the 1587 reform were not firmly implemented in practice (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 22r–50v).

Attendance rates to the new councils were irregular as well. The 1587 reform had established 'that those who are elected as part of the council of said guild must always attend the council' or they would face a fine.<sup>9</sup> In practice, though, not a single

8 Eleven masters were identified as foreigners (35.48 per cent) and three of non-specified origin (9.68 per cent) (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 19v).

9 [Q]ue los que seran extrets per lo consell de dit offici hagen de venir a consell tothora (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 16r).

executive council between 1589 and 1599 saw full attendance. While sixteen members were elected each year, actual participation ranged from only six to thirteen members per council. Significant irregularities emerged in attendance rates among the various groups represented. As shown in Tables 4 and 5, foreign journeymen consistently registered the lowest attendance, while participation of foreign masters also decreased over time.

A closer examination of attendance percentages reveals how real representation in the executive council diverged significantly from the intended 25 per cent per group, established by the 1587 reform. For instance, Catalan masters represented between 12.5 per cent (1590) and 36.36 per cent (1589 and 1599) of council attendees, and their median attendance slowly increased over time. Catalan journeymen maintained a more balanced attendance rate, ranging from 20 per cent (1594 and 1596) to 37.5 per cent, although their presence did not show a strong upward trend. Foreign masters' attendance was even more stable: except in 1594 and 1596, they always were more than the 25 per cent of all council members: except in 1594 and 1596, they consistently exceeded 25 per cent, reaching a peak of 37.5 per

*Table 3: Percentage of Catalans and foreigners elected (1589–99).*

<b>Year</b>	<b>Date of each council held</b>	<b>Number of councils held</b>
1589	6 February	3
	26 May	
	20 July (elections)	
1590	22 June	2
	24 July (elections)	
1591	(-)	0
1592	15 July (elections)	2
	1 September	
1593	17 July (elections)	1
1594	14 April	2
	19 July (elections)	
1595	17 July (elections)	1
1596	22 July (elections)	1
1597	22 July (elections)	1
1598	21 July (elections)	1
1599	23 July (elections)	1

Table 4: Attendance rates to executive councils (1589–99).

	Council members	% of elected members	Catalan masters	%	Foreign masters	%	Catalan journeymen	%	Foreign journeymen	%
6 February 1589	11	68.75	4	36.36	4	36.36	2	18.18	1	9.09
26 May 1589	12	75.	3	25	4	33.33	2	16.66	3	25
20 July 1589	11	68.75	2	18.18	3	27.27	3	27.27	3	27.3
22 June 1590	10	76.92 (only 13 elected members)	3	30	3	30	2	20	2	20
24 July 1590	8	61.53 (only 13 elected members)	1	12.5	3	37.5	3	37.5	1	12,5
15 July 1592	10	62	3	30	3	30	3	30	1	10
1 September 1592	10	62	3	30	3	30	1	10	3	30
17 July 1593	11	68.75	2	18.18	4	36.36	4	36.36	1	9.09
14 April 1594	10	76.92 (only 13 elected members)	3	30	2	20	4	40	1	10
19 July 1594	12	92.30 (only 13 elected members)	4	33.33	3	25	4	33.33	1	8.33
17 July 1595	13	81.25	2	15.38	4	30.76	4	30.76	3	23.1
22 July 1596	10	62.5	2	20	2	20	2	20	4	40
22 July 1597	6	37.5	2	33.33	2	33.33	1	16.66	1	16.7
21 July 1598	12	75	3	25	3	25	3	25	3	25
23 July 1599	11	68.75	4	36.36	3	27.27	2	18.18	2	18.2

cent in 1590, though their participation diminished along the years. In contrast, the representation of foreign journeymen was far more unstable. Their share of council members ranged from a 9.09 per cent (1589 and 1593) to a 40 per cent. They only surpassed the 25 per cent threshold in four years (1589, 1592, 1596 and 1598); despite their attendance rate gradually increased, they were significantly underrepresented in many councils.

These attendance rates were not incidental, but the result from procedural irregularities that affected foreign journeymen. In the 1589 election, only two foreign journeymen were elected to the council instead of four. Three initially drawn candidates were discarded because they had already become masters, and a fourth, Joan Casanyet, was disqualified for having already been elected as an administrator. Rather than replacing them introducing new candidates to the foreign journeymen bag, just two council members were elected (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 23v). For similar reasons, just two foreign journeymen were elected in July 1590 (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 27r), yet not later elections, when the irregularities became more obvious. The most striking case occurred in 1593: although the foreign journeymen bag had new candidates, the election did not go as expected: during the election of the foreign journeymen administrator, six consecutively drawn candidates for council membership were declared *inàbils* (unfit) and *desinsaculats* (removed from the bags) by the consuls. As a result, only a single foreign journeyman was appointed to the council that year (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 30v–31r).

The integration of the foreign weavers into the guild's deliberative and electoral practices had been formally established; however, in practice, locals – especially Catalan masters – were in a dominant position that, through the consulate, limited foreign representation. This situation intensified from in the mid-1590s onwards, particularly in 1596, when the guild experienced serious financial difficulties. That year, the weavers' guild had to face a trial before the High Catalan Tribunals, the *Reial Audiència*, against the town's wool manufacturers guild. Conflict had arisen from the weavers' work for wool manufacturers from outside of the town, but once the matter escalated to the high tribunals, it placed a considerable financial burden on the weavers.

More significantly, with such serious matters requiring frequent deliberation, the existing representative system of executive councils was no longer deemed sufficient. From that point on, general councils presided over solely by the consuls became the norm, while most executive councils held were just elections. These general councils were clearly not as inclusive – particularly for journeymen – as they had been before 1587. Between 1596 and 1597, only masters attended all general councils, and during the few councils convened in 1598 and 1599, only three foreign and one Catalan journeyman were present, as shown in Table 5. Now, however, a significant proportion of the attending masters were of foreign origin: they constituted the majority in the three councils held in 1596 and in one of the meetings of 1597; they accounted for over 40 per cent in the two remaining meetings that year. Many foreign journeymen may have obtained master status in the preceding years, as evidenced in some executive council elections held after 1589 (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 27r–31r, 37r–53r).

The expenses incurred during the trial against the Wool manufacturers forced subsequent reforms of the guild's laws to sustain its finances and coordinate the weavers' opposition. On 15 June 1596, a general council decided to appoint six representatives of the guild to meet to reform its statutes: two of them were the consuls, while the remaining four were all masters – two of whom were of foreign origin. On 8 July, the six masters presented the new laws before another general council. However, none

Table 5: General council attendance (1596–99).

	Attending members	Catalan masters	%	Foreign Masters	%	Unidentified origin	%	Catalan journeymen	%	Foreign journeymen	%
9 April 1596	31	12	38.71	16	51.6	3	9.7				
15 June 1596	30	12	40	16	53.3	2	6.7				
8 July 1596	32	13	40.63	17	53.1	2	6.2				
22 February 1597	27	13	48.15	12	44.4	2	7.4				
20 March 1597	29	13	44.83	13	44.8	3	10.4				
30 April 1597	32	15	46.88	14	43.8	3	9.3				
22 June 1598	35	18	51.43	12	34.3	4	11.4			1	2.9
11 April 1599	37	17	45.95	9	24.3	8	21.6	1	2.7	2	5.4

of these statutes were recorded in the council acts, exception for one unrelated to the trial. Surprisingly, the six representatives had drafted a law with a rather controversial aim: to merge the elective bags of foreign and Catalan masters into a single one, thereby allowing the former to run for the consulate.<sup>10</sup> A majority of foreign members between the masters, as seen in many general councils during these years, may have been the reason to include such a law: the aspirations for representation of many foreigners that were journeymen during the 1587 reform may have continued after they became masters.

Despite a majority of the members present in the council having ‘praised said law’, it was ultimately not passed. Three Catalan masters openly opposed its approval, while seven members abstained from voting; three of them were foreigners, two were Catalans and two were of unidentified origin. These foreigners represented a minority within their own group: sixteen foreign masters had attended this council – around 53.3 per cent. Of the remaining thirteen foreigner masters – around 43.3 per cent of the council – all supported the reform, along with nine of the twelve Catalan masters present. Thus, it could be stated that twenty-two of the thirty master attendees – approximately three quarters – endorsed the law. Nevertheless, it seems that a lack of unanimity, although not of majority support, prevented its approval: the section of the council act in which the law was debated was entirely crossed out (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 40v). Furthermore, all elections recorded in the remainder of the council book continued to use separate bags for Catalans and foreigners, and all the consuls elected up to 1600 were Catalan (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 40v–54v).

10 ‘[A]nd that said last law containing that the foreigners shall be united with the Catalans, and thus be able to become consuls’ (*dita ordinació última contenint en efecte que los estrangers sien units ab los cathalans, y puguen concórrer a cònsols*) (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 40v).

Foreign access to the consulate or to other matters of representation were not further discussed in the rest of the council book. Still, all the temporary offices elected by general councils to manage the trial were equally divided between Catalans and foreigners, although all were masters. This was the case for a smaller council of eight *adjunts* elected on 15 June 1596, the four representatives elected in 1597 to reach an agreement with the wool manufacturers, and the four accountants appointed later that year to oversee an extraordinary tax collection (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, ff. 40v, 41r, 43v). Despite this, the authority of the Catalan consuls remained dominant, as they coordinated each meeting and handled the main issues related to the trial with the wool manufacturers.

Other reforms later proposed by the consuls in response to the consequences of the trial ultimately modified the guild's electoral system. Following the aforementioned judicial proceedings, the guild's finances were severely affected, and many guildsmen were no longer complying with certain regulations or paying their taxes (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 51r). As a result, on 22 June 1598, the guild's consuls proposed a final reform of the statutes, which was to be closely supervised by the Terrassa town council. Four masters – half of them foreigners – were elected to lead the reform. A year later, they presented the new laws to the general council. This time, instead of drafting a new set of regulations, the four representatives had chosen to adopt 'the practices, orders and customs of the Wool Weavers of the city of Barcelona'.<sup>11</sup> The council approved the reform unanimously, and in July 1599, it was ratified by the town council (AHT, Uni, LCUV, 3.3, f. 65).

This decision was pivotal in shaping the deliberative structures of the guild. The wool weavers of Barcelona employed sortition as their main electoral system, and maintained a similar set of offices to that of their counterparts in Terrassa: they also had administrators and consuls elected annually, and followed similar regulations in their dealings with the wool manufacturers' guild of Barcelona. Most notably, however, their guild recognized only masters as members, and did not maintain an electoral system aimed at sharing offices between Catalans and foreigners.<sup>12</sup> Adopting their laws had significant consequences for the wool weavers of Terrassa. Although journeymen had already been excluded in practice from participation since 1596, they were, in theory, still eligible to the executive council and the shared offices under the 1587 reform. With the adoption of the Barcelona statutes, journeymen could now be formally excluded from the guild – as indeed, they were.

On 23 July 1599, a council convened to elect the guild's administrators, accountants and executive council members, following the provisions of the 1587 statutes. The administrators and accountants were still elected according to the old laws, with

11 [Q]ue sian preses las pràcticas, orde y costum tenen los texidors de lana de la ciutat de Barcelona (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 49v).

12 Few late sixteenth-century documentation produced by the wool weavers of Barcelona has been preserved, but one can get a clear idea about its deliberative structure through some preserved guild council acts and some of their statutes, approved and copied by the municipal council of Barcelona (AHCB, GM, 2A.2/C24, TL, Doc. 5; AHCB, RO, 03/1B.IV, Vol. 16, fol. 195v–196v; Vol. 17, fol. 10, 114, 172–179v).

offices equally distributed between Catalans and foreigners, and between masters and journeymen. However, only four Catalan masters were elected for the executive council, and the election was not continued. Four days later, on 27 July, new elections were held for the election of administrators and accountants. This time, only two electoral bags were used: one for Catalan masters and another for foreign masters. The executive council was no longer elected, having been fully replaced by the general council, as had been the practice since 1596. The guild had now become entirely dominated by masters: journeymen no longer attended council meetings, all offices were elected exclusively from the masters' electoral bags, and, in the beginning of 1600, the guild explicitly defined its membership as consisting solely of masters (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, fol. 50r–54v).

However, the weavers did not follow the Barcelonese laws to the letter, but rather adapted them to the specific circumstances of their own guild. Although journeymen had been excluded, administrators and accountants continued to be elected from two separate bags, one of which was reserved exclusively for foreign masters. This modified system may have stemmed from a tacit agreement between local and foreign masters to exclude the journeymen, yet foreigners themselves continued to be treated as a distinct electoral group, and were still barred from running for the consulate. The union of electoral bags, as proposed in 1596, was still in the interest of the foreigners, but the guild remained closed to such aspirations.

The final preserved deliberation in the council book offers further insight into this issue. On 12 August 1600, the guild council met to deliberate on the 'foreignness' – or more precisely, the alleged 'Catalanness' of Pau Balle. This master weaver had lodged a complaint before the guild, stating that some members regarded him as a *gavaix*, a derogatory term used for people of French origin. In his defense, Balle provided evidence that he had been born in the Catalan town of Palau de Cerdanya. Whether he was the son of French parents remains uncertain, but his desire to be recognised as a local was likely tied to the privileges locals enjoyed within the guild, particularly in relation to eligibility for the consulate. The council's ruling on his case was unambiguous: 'that from now on he shall be considered a true Catalan and son of said town of Palau [...], and that from now on no master shall consider him a foreigner'.<sup>13</sup>

#### GUILDS, DELIBERATION, AND MIGRANT INTEGRATION MECHANISMS IN LATE SIXTEENTH-CENTURY CATALONIA

The preserved sources do not allow us to trace the evolution of the guild's deliberative practices after 1600, as no further direct documentation survives after that year. However, it can be asserted with certainty that the exclusion of journeymen persisted, and that non-master weavers eventually joined the town's brotherhood

13 [Q]ue de aquí al davant sia tingut per verdader català y fill de dita vila de Palau [...] y que de aquí al davant ningun confrare lo tingue per estranger (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 54v).

of journeymen, which had been reformed by the town council in 1599 (Figueras i Gibert, 2024, 100; AHT, LCUV, 3.3, fol. 61–62v). Alongside this development, the internal divisions among masters within the weavers' guild appear to have gradually disappeared: by the late seventeenth century, the guild no longer differentiated between Catalan and foreign members (Figueras i Gibert, 2024, 125–127), indicating that a union of electoral bags ultimately took place. As the influx of French migrants into Catalonia declined considerably after 1620 (Nadal & Giralt, 2000, 129–132), it is likely that the descendants of earlier migrants came to be considered locals.

But we have still to ask what were the reasons and principles behind the integration of migrants into the guild's deliberative practices, as illustrated by the case study presented. As previously stated, recent scholarship suggest that European craft guilds were more open to external membership, including that of migrants, than traditionally assumed – particularly in larger urban centres and during periods of economic growth (Prak et al., 2020, 439–440). Moreover, Prak's notion of 'practical citizenship' in early modern European societies is highly relevant here, especially given the role given to guilds by the author: 'membership of guilds implied, often formally but otherwise informally, membership of the wider urban community' (Prak, 2018, 113). In some contexts, local – formal – citizenship was a prerequisite for guild membership, but in many others, it was the other way round, and guild membership implied automatic citizenship (Prak, 2018, 85).

Prak's theories on economic citizenship through the guilds have not yet been applied to the Catalan context. In Catalonia, naturalization was not always regulated in local legislation, but rather on a 'national' level. Catalan law defined 'Catalanness' through a mix of *ius solis* and *ius sanguinis* based on male lineage (Rocas, 1978, 29–33; Ginebra Molins, 2003, 17; Ferro Pomà, 2013, 48–49). According to the Constitutions of Catalonia, to be considered Catalan, an individual had to be born in Catalonia or have either a father or a grandfather born and residing in the Principality (CADC, 1588, LVIII, 1422/30, 163; 1481/19, 166). The influx of French migrants from the sixteenth century onward prompted a modification of Constitution 58 in 1547: French people were prohibited from holding public offices unless they had resided in Catalonia for at least ten years. Their descendants, however, were excluded from this restriction (CADC, 1588, LVIII, 1547/45, 167). In practice, that meant that, after ten years of residence, French migrants could be regarded as Catalans on a functional level – and so could their sons. This interpretation aligns well with Prak's notion of 'practical' citizenship, a model in which 'inhabitants become de facto citizens through practices technically reserved to citizens only' (Prak, 2018, 7).

However, Catalan Constitutions do not specifically address naturalization in relation to the access to craft guilds. In the presented case, it is clear that being a Catalan was not a requirement to join the wool weavers' or to become a master: a majority of members were of foreign origin and, although they were excluded from the consulate, they were still recognized as guildsmen. Other contemporary Catalan guilds reveal similar patterns. The shoemakers of Barcelona accepted French individuals as masters, provided they passed the required examination and paid a higher admission

fee (AHCB, CSMS, 5D126-2B.1/92, fol. 5v, 20r, 30r, 79v). From the Middle Ages, one of Barcelona's ship cargo guilds, the *Macips de ribera*, admitted members from various backgrounds, as long as they belonged to a set of 'accepted nations' (AHCB, GM, 2A.2/C3, MaRib, Doc. 1434). The linen weavers of Barcelona also accepted foreigners, including the French, but adopted a more restrictive approach to their involvement in deliberative practices: their late-sixteenth-century laws prohibited French members from attending the guild council, arguing that they were responsible for many conflicts and their presence was illegal according to the Constitutions of Catalonia (AHCB, GM, 2A.2/C24, TeixLli, Doc 15).

The linen weavers' reference to the Catalan Constitutions was likely a biased interpretation of the aforementioned Constitution 58. As demonstrated by the case study and the examples provided, many Catalan guilds were open to individuals of foreign origin, and Catalan laws did not explicitly prohibit foreigners from joining a guild. Craft guilds in Catalonia may have allowed foreign membership, albeit often under different conditions than those required of locals – such as the payment of a higher fee to attain mastership or the exclusion from holding certain offices, as observed in the wool weavers' case. This very likely aligns with Prak's proposal of citizenship: even though further research is needed to confirm this hypothesis, guilds may have worked as a mechanism to de facto become a citizen – granting foreigners practical inclusion, albeit not always nor immediately with the same rights as locals.

However, in the absence of general legislation, it is possible that practical differences existed between guilds, even within the same town. These variations may have extended to how each guild handled the integration of foreigners, particularly with respect to deliberative practices. For instance, it is evident that the linen weavers of Barcelona adopted a markedly different approach from that of the wool weavers of Terrassa. Moreover, the wool manufacturers' guild of Terrassa never introduced electoral reforms to improve the representation of foreigners; its deliberative structures remained significantly more closed and oligarchic than those of the weavers' (Figueras i Gibert, 2024, 60–62). In the Catalan context, it is likely that each guild developed its own approach to foreign inclusion. While access to mastership was possible to non-locals, their de facto integration into deliberative spaces may have varied from one guild to another.

## CONCLUSION

The wool weavers' guild of Terrassa provides a privileged case study through which the integration of migrants into deliberative structures can be traced over twenty years. During this period, foreigners progressively gained representation within the guild, primarily through the modification of electoral mechanisms and the types of councils convened. Prior to 1587, although foreigners – whether masters or journeymen – were considered members and could participate in general councils, they were consistently underrepresented in elected offices, and were forbidden from running for the consulate. Following a series of failed and contested reform efforts,

the 1587 electoral reform, likely supported by a majority of French journeymen, introduced a sortition-based system in which all offices – excluding the consulate – and the composition of a new executive council were to be equally divided between locals and foreigners, and between masters and journeymen.

While this system offered theoretical parity, in practice, significant imbalances persisted. The consulate remained firmly under Catalan control, and irregularities in the implementation of electoral procedures – especially those affecting foreigners and journeymen – were documented. Moreover, when the guild was confronted with serious challenges requiring regular deliberation, such as the 1596 trial, executive councils ceased to be held routinely. Instead, general councils composed solely of masters and presided over by the consuls became the primary deliberative forum. Nevertheless, foreign masters continued to advocate for increased representation whenever opportunities for reform arose. The failed 1596 reform included a proposal to unify the electoral bags and open consular candidacy to foreigners. Ultimately, the adoption of the Barcelonese wool weavers' statutes in 1599 failed to resolve these issues. Journeymen were formally excluded from the guild, and although a new sortition system was implemented, it continued to use separate bags for Catalan and foreign masters. By 1600, the consulate remained in the hands of locals, indicating that significant representative imbalances persisted.

Other guilds did not undergo comparable processes of reform and, in some cases – such as the linen weavers of Barcelona – foreigners were formally excluded from participating in councils. Why, then, did the wool weavers' guild of Terrassa follow a different path, one in which the integration of migrants into deliberative structures was actively addressed? The answer lies in a phrase recorded during one of the councils responsible for approving the 1587 reforms: *attès són més* – 'because they are more [numerous]' (AHT, Uni, Gr, LCCSMT, 10/23, 4.3, f. 14v). Foreigners of French origin had become a demographic majority within the guild, initially among journeymen and later among masters. Their demands for representation could not be ignored by locals. Although the consulate remained restricted, between 1580 and 1600 the guild implemented a series of reforms that aimed to address the underrepresentation of foreigners, driven primarily by their numerical strength. These reforms, while not always effective in the short term, ultimately formalized mechanisms of representation that incrementally granted foreign members similar rights to locals.

In this sense, the evolution of the guild's deliberative practices functioned not only as a mechanism for internal inclusion, but also as a broader instrument of integration into Catalan society. Drawing on Prak's notion of 'practical citizenship,' the progressive acquisition of rights through active participation in corporate duties can be interpreted as a path to practical citizenship – potentially followed, after a decade of residence, by formal recognition as Catalan. The case of the wool weavers of Terrassa thus offers an interesting example of the role that Catalan and European craft guilds could play in facilitating migrant integration, both within their institutional frameworks and in the wider urban community, through the evolution of deliberative practices.

DELIBERACIJA O TUJSTVU: INTEGRACIJA MIGRANTOV IN  
DELIBERATIVNE PRAKSE V KATALONSKEM CEHU  
(OK. 1580–OK. 1600)

*Članek obravnava, kako so deliberativne prakse oblikovale vključevanje priseljencev v cehe zgodnjenovoveške Katalonije, s posebnim poudarkom na cehu tkalcev volne v Terrassi (1580–1600). Čeprav so bili cehi tradicionalno predstavljeni kot zaprte institucije, novejša raziskava poudarjajo njihovo odprtost do tujcev v večjih mestih in donosnih obrteh, saj so v številnih primerih novim članom omogočali pridobitev oblike »praktičnega meščanstva«. Kljub temu pa vloga cehovske deliberacije pri vključevanju priseljencev ostaja razmeroma neraziskana. Na podlagi zapisnikov cehovskega sveta iz Zgodovinskega arhiva Terrasse raziskava pokaže, kako so se deliberativne strukture ceha prilagodile prisotnosti številnih francoskih priseljencev. Ti so bili sprva slabo zastopani in izključeni iz vrst konzulov – funkcije, pridržane katalonskim mojstrom –, vendar so tujci z reformo iz leta 1587 pridobili omejeno zastopanost. Reforma je uvedla žreb in enakomerno porazdelitev večine funkcij med domačine in tujce ter med mojstre in pomočnike. Kljub temu so trajne neenakosti, nepravilnosti pri volitvah in nadaljnja izključitev iz najvišjih funkcij omejevale njihov dejanski vpliv. Finančni pritiski v 90. letih 16. stoletja so dodatno okrepili prevlado katalonskih mojstrov, sprejetje barcelonskih statutov leta 1599 pa je formalno izključilo pomočnike, hkrati pa ohranilo tujce v ločenih volilnih kategorijah. V naslednjem stoletju so razlike med katalonskimi in tujimi mojstri postopoma izginile, kar odraža širše procese asimilacije. Primer Terrasse dokazuje, da sta bila reforma in razvoj cehovskih deliberativnih struktur ključnega pomena za vključevanje članov priseljenskega izvora – tako znotraj same korporacije kot tudi v širšem okviru katalonske družbe. Zahteve tujcev po zastopanosti – in končno po priznanju enakih pravic kot Kataloncem – so privedle do pomembnih institucionalnih sprememb, ki jih je spodbudila njihova številčna premoč znotraj ceha.*

*Ključne besede: obrtni cehi, zgodnjenovoveška Katalonija, francoske migracije, vključevanje, deliberacija, volilne reforme*

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TO ARRANGE A MARRIAGE WITH A FOUNDLING:  
FRENCH IMMIGRANTS BETWEEN INTEGRATION AND EXCLUSION  
IN EARLY MODERN BARCELONA (1532–1601)

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*ABSTRACT*

*The study of prenuptial agreements of the Hospital de la Santa Creu of Barcelona (1532–1601) has revealed how a significant number of French immigrants arranged to marry foundlings. These unions could have entailed, on occasion, a downward social mobility for the husbands-to-be. By analyzing the socioeconomic profile of the French men, the value of the dowries provided by maidens, and examining, moreover, the historiographical contributions regarding the integrative role of mixed marriages, I explore this unprecedented finding. This, I intend to show, would demonstrate a self-generated strategy for social integration based on the social and juridical benefits of marrying an indigenous woman, if not motivated by a high degree of social exclusion.*

*Keywords: Hospital de la Santa Creu, early modern Barcelona, French immigration, foundlings, intermarriage, prenuptial agreements, integration*

ORGANIZZARE UN MATRIMONIO CON UNA TROVATELLA: IMMIGRATI  
FRANCESI TRA INTEGRAZIONE ED ESCLUSIONE NELLA BARCELLONA  
DI ETÁ MODERNA (1532–1601)

*SINTESI*

*Lo studio degli accordi prematrimoniali del Hospital de la Santa Creu di Barcellona (1532–1601) ha rivelato quanto significativo sia il numero di immigrati francesi che si sposarono con delle trovatelle. Queste unioni potevano implicare, in alcuni casi, una mobilità sociale discendente per il futuro sposo. Analizzando il profilo socioeconomico degli uomini francesi, il valore delle doti portate dalle fidanzate ed esaminando, inoltre, i contributi storiografici riguardanti il ruolo integrativo dei matrimoni misti, esploro questa scoperta senza precedenti. Ciò, come intendo evidenziare, dimostrerebbe l'esistenza di una strategia autoprodotta di integrazione sociale, basata sui benefici sociali e giuridici derivanti dal matrimonio con una donna indigena, se non motivata da un alto grado di esclusione sociale.*

*Parole chiave: Hospital de la Santa Creu, Barcellona di età moderna, immigrazione francese, trovatelle, matrimonio misto, accordi prematrimoniali, integrazione*

## FRENCH IMMIGRATION IN EARLY MODERN CATALONIA: SOME PRELIMINARY NOTES<sup>1</sup>

From the end of the fifteenth century and for over two hundred years, the Hispanic Monarchy experienced an influx of immigrants from the Kingdom of France who settled in the Peninsula, either temporarily or permanently.

Although the medieval migratory flow between both sides of the Pyrenees can be traced back to the early centuries of the Christian kingdoms' expansion,<sup>2</sup> late fifteenth-century Catalonia witnessed an unusual increase in the arrival of the French and the Occitan. This coincided with its own declining population rates due to epidemics, internal and external wars, and natural disasters that had converged for over 150 years, resulting in a noticeable demographic deficit at the beginning of the following century (Gual, 2005, 6–7; Gual & Masdéu, 2021, 15–16; Simon, 1999, 79–80). Therefore, between the fifteenth and eighteenth centuries, “a depopulated country” (*un país despoblât*) (Simon, 2004, 79) took in a French contingent that demonstrated a stronger inclination to settle permanently compared to other regions of the Peninsula (Amengual & Pujadas, 2020, 1; Capdevila, 2021, 205).

Thus, the pioneering work of Enric Moreu-Rey (1959) and, more significantly, those of Jordi Nadal and Emili Giralt (1992; 2000; 1966) depicted a massive influx of immigrants that would have served as a cornerstone for the demographic recovery in Catalonia. Since then, many historians have sought to elucidate the characteristics of this Gallic contingent, often through local and regional quantitative analysis run by the frameworks established by the co-authors (Nadal & Giralt, 1966; 2000). The bibliographic output on this topic, albeit late, has been remarkably prolific.<sup>3</sup> In addition to demonstrating numerous divergences regarding the same event across Catalan geography, it has also underscored the inescapable historiographic projection of this line of research: a trigger for historical demography in Spain (Alberola,

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2 To delve deeper into these migratory flows led by the French during medieval times, cf. Christian Bourret (1995), Philip Banks (1988), Carme Batlle (1959) and Josep Lladonosa (1958).

3 Indeed, the work of Nadal and Giralt sparked a late but prolific surge in academic research surrounding the migratory phenomenon. From the fewer than twenty studies that Jaume Codina (1992, 55) lamented the 1990s, the number increased to 251, as counted by Carles Millàs (2005, 21) in the early twenty-first century, up to the point of, as Gual and Raimon Masdéu (2021, 12) recently noted, it is now challenging to provide an accurate estimate of the current volume of research. Local and regional studies played an essential role in this historiographic production that emerged in the 1990s.

1995, 15);<sup>4</sup> integrator of numerous localist efforts—and, consequently, a catalyst for an archival revitalization—and a driving force in historiographic debates concerning the demographic recovery of Catalonia (Dantí, 1982; Gual, 1991; Simon, 2004, 87) are just a few of the traits that ratify its significance.

Scholars agree that Southern France was the primary focus of emigration, replicating the tripartite division of the Midi geography in the main three areas that drained immigrants, highlighted by Nadal and Giralt (2000, 121–120): Pyrenees and Pre-Pyrenees, Languedoc and the Garonne Basin and, finally, the Highlands and the Massifs. Likewise, the co-authors established the periodization of immigrant arrivals in four stages which, despite some spatial divergences (Capdevila, 2021, 227; Millàs, 2005, 20), have been largely reaffirmed in subsequent studies (Gual, 2021, 285).<sup>5</sup> These consist of: an ascendant phase (from the end of the fifteenth century until 1540); the climax (1540–1620); a declining phase (1620–1660); and, finally, a period of moderate recovery (1660–1700). It should be noted that this last phase was led by immigrants focused on more specialized tasks (Amalric, 2003, 31; Nadal & Giralt, 2000, 129–132; Salas, 2009, 26) and, therefore, exhibited professional behaviors that differed from the trends that were dominant previously.

Indeed, until the second half of the seventeenth century, most of the migratory flow consisted of single men<sup>6</sup> between the ages of 10 and 21 who settled in Catalonia (Amengual, 2018, 235; Capdevila, 2014a, 112–115; Nadal & Giralt, 2000, 187–189; 1966, 32–33; Torres, 2002, 352–353) as unskilled laborers<sup>7</sup> (Abadal, 1966, 8; Amengual & Pujadas, 2020, 2; Capdevila, 2011, 228; Colls, 2002, 208; Fargas, 1994, 719–793; Nadal & Giralt, 1966, 53–54; 2000, 191–192; Salas, 2009, 46). Even so, and despite their predominance in the primary sector and in tasks that did not require specialization, it is common to find them performing all sorts of jobs<sup>8</sup> (Almazán, 1992, 33; Fargas, 1994, 792–793; Gual, 2005, 9; Moreu-Rey, 1959, 22; Nadal & Giralt, 2000, 191–192; Torres, 2002, 353). Their greater presence in the crafts has

4 On her part, María Begoña Villar (2007, 430) asserts that Nadal and Giralt played a crucial role in consolidating the emerging field of historical demography with their work, while Miquel Amengual (2018, 50) acknowledges their significant role in the development of the discipline, although he also associates the work of Antonio Domínguez Ortiz (1960) with this driving force.

5 For a detailed analysis of the volume and rhythms of French immigrants' arrivals, as well as their distribution across the various territories that make up the Principality, cf. the study by Maria Alexandra Capdevila (2021, 220–229).

6 Although scholars agree that the migration flow predominantly involved men (Amengual, 2018, 274; Nadal & Giralt, 1966, 32–33; Gual & Masdeu, 2021, 75; Simon, 1999, 90; Salas, 2009, 76), Capdevila (2017) has examined the migration of French women to Catalonia, outlining the main characteristics of this influx in order to mitigate its historiographic marginalization. Likewise, and more recently, Miquel Amengual and Joana María Pujadas (2024) have explored the marital behaviors of these women, concentrating their research on the diocese of Barcelona.

7 This pre-eminence of workers engaged in unskilled tasks was also noted by Domínguez (1960, 70) while analyzing the migratory flow within the territories of the Hispanic Monarchy.

8 We even find French priests, as evidenced by Enric Moliné (1988–1989) in the diocese of Urgell, Nil Beixora (2019) in Solsonès and, later, Capdevila (2023) in the Principality as a whole.

been documented in certain cities, such as Lleida (Vilalta, 2001; 2003), Girona (Domènech, 1999) and Barcelona (Nadal & Giralt, 2000, 191; Amengual, 2018; Amengual & Pujadas, 2020). The more specialized group of craftsmen has often been associated with emigration from the area of the Highlands and the Massifs.

Indeed, another historiographical approach to the professional behavior of the French settled in Catalonia relates their level of specialization with the migratory center of origin (Capdevila, 2011, 226–227; Nadal & Giralt, 1992, 33; 2000, 189–191). This professional diversity predicated on geography indicates a greater tendency among emigrants from the areas of Languedoc and the Garonne Basin and, especially, from the Pyrenean region to engage in occupations that did not require specialized skills. Similarly, Nadal and Giralt (2000, 331) added the variable of the emigrants' age upon arrival to the equation: in this sense, learning the trade in their birthplace would explain why individuals from the northernmost lands would move in successive stages to childhood (Nadal & Giralt, 2000, 331).

As for the causes behind the migration flow, the historiography has traditionally suggested a set of structural and circumstantial factors. On one hand, those that would have compelled the natives of France to emigrate while, on the other, those that would explain the allure of Catalan lands. This explanatory model, which aligns with the theoretical framework of pull and push proposed by Ernst Ravenstein (1885a–b; cf. Salas, 2009, 23)—reiterated by Jan Lucassen (1987; cf. Bade, 2003, 7)—, has been vindicated since the masterful work of Nadal and Giralt.

Thus, a number of pull factors have been identified in the historiography since the 1960s. The demographic deficit of the Principality of Catalonia on the threshold of modernity (Capdevila, 2001, 108; Gual, 2005, 6; Gual & Masdeu, 2021, 83; Millàs, 2005, 18; Nadal & Giralt, 2000, 172–174; Simon, 1999, 79)—which had gained special relevance after the Arbitral Decision of Guadalupe in 1486<sup>9</sup> and the resulting restructuring of the Catalan countryside (Abadal, 1966)—was an early argument. The inherent demand for labor for its barren fields (Dantí, 2021, 203; Nadal & Giralt, 2000, 174–176; Torres, 2002, 349), as well as the potential for higher wages in the peninsular territory (Domínguez, 1960, 71; Nadal & Giralt, 2000, 180–182) was another early explanation. On the other hand, the literature also notes a number of push factors, like the chronic state of overpopulation in certain regions of Southern France and its consequent poverty (Busquets, 2012,

9 General and binding in nature, the Arbitral Decision of Guadalupe issued by Ferdinand II of Aragon sought to put an end to nearly a century and a half of conflicts between the servile peasants known as *de remença* (or *remences*) and their lords (cf. Feliu, 2011; Freedman, 1993, 2013; Lluch, 2010) by regulating the legal and social relations of the Catalan countryside (cf. Feliu, 2020; Gual, 2004; Lluch, 2020; Pons, 1989). For a segment of the more affluent emphyteutic peasantry, this sequence of events together with the appropriation of abandoned holdings due to wars and epidemics (*masos ròncos*) (cf. Ferrer, 2001) resulted in a patrimonial gain (Torres, 2002, 349; cf. Vicens, 1978; Serra, 1988). However, the resulting expansion of agricultural holdings required, in order to be completed, labor to carry out the fieldwork. Based on the demographic deficit that Catalonia faced at the dawn of the early modern period, some authors argue that French immigration helped to compensate for the labor shortage (d'Abadal, 1966; Torres, 2002).

35; Capdevila, 2018, 89; Salas, 2009, 25; 2019, 124). It is worthwhile to note that the outbreak of the Wars of Religion in the second half of the sixteenth century likely swelled the ranks of emigration (Almazán, 1992, 31; Cadpevila, 2014a, 206; Codina, 1999, 206; Nadal & Giralt, 1992, 33; Torres, 2002, 348). This circulation would have been promoted by the existence of religious and dynastic ties between Catalonia and the Midi (Nadal & Giralt, 2000, 166).

This framework, however, has become more nuanced over the last decades—in line with advances in the study of family and migration history of Europe (Fernández & Eiras, 2003, 147–149). As such, studies now point out, as José Antonio Salas Auséns (2009, 19) highlights, to a multicausality that considers “family, personal, and environmental circumstances” (*las circunstancias familiares, personales y del entorno*) and their connection to the political, economic and demographic context. Thus, the coexistence of an individual migration model with diffuse motivations is generally accepted, alongside a trend rooted in networks of personal relationships between French people on both sides of the Pyrenees. These networks would have facilitated the arrival of new workers, primarily temporary laborers, and especially from Auvergne (Amalric, 2003, 27; Amengual & Pujadas, 2021, 1; Salas, 2009, 26).

The demographic contribution of the French contingent who settled in the Principality of Catalonia and their fundamental role in the recovery of the Catalan population during the sixteenth and seventeenth centuries was noted by Nadal and Giralt (2000). However, the expansion of the geographical areas analyzed in subsequent studies revealed dissonant numbers regarding the model proposed by the duo for the entire Principality. While the role of this injection of Gallic blood as a compensatory phenomenon for the low demographic density in Catalonia tends to be accepted (Amalric, 2003, 35; Amengual & Pujadas, 2020, 2; Millàs, 2005, 15, 128; Capdevila, 2021, 206), Valentí Gual (1991) and Jaume Dantí (1982) have shown its uneven impact on the territory, resulting in a lower presence of immigrants in the interior regions.

Although it is hard to gauge the demographic extent of French immigration, Jean-Pierre Amalric (2003, 135) estimated its contribution to the Spanish population at half a million people. In the case of Barcelona, the Register of French residents on the Catalan coast in 1637 served Moreu-Rey (1959, 16) in assessing its demographic weight at around 10% of the population of the city. Even higher numbers are provided by the 1640 census, studied by Albert García Espuche and Manuel Guardia (1986, 31), which allowed them to establish the ultra-Pyrenean presence in the capital at 16% of the total.

Nevertheless, and given the uncertain quantification of immigrants, scholars point to numerous traces of the Gallic imprint in Catalonia that not only allow for confirming its demographic impact, but also for measuring a contribution that extended beyond the population sphere in statistical terms. This includes the proliferation of streets with Gallic toponyms in Catalan cities and towns (Almazán, 1992, 31; Capdevila, 2008, 880) as well as the numerous French confraternities that spread throughout

the territory (Busquets, 2012; Cabruja, 1989; Codina, 1999; Nadal & Giralt, 2000, 102–106; Moreu-Rey, 1959, 15–16; Teixidó, 1998). Scholars have also highlighted the importation of new construction, artistic, and artisan techniques (Millàs, 2005, 131; Moreu-Rey, 1959, 48; Simon, 1999, 92; Torres, 2002, 254), as well as agricultural tools (Codina, 1980, 245) which undoubtedly contributed to the development of both urban and rural areas.

### MARRYING AN INDIGENOUS WOMAN: SOCIAL, LEGAL, AND ECONOMIC BENEFITS OF INTERMARRIAGE

The most common approach to evaluating the willingness and capacity of French immigrants to settle permanently has relied on the quantitative analysis of mixed marriages; however, scholars have also focused on numerous qualitative aspects of this phenomenon, thereby complementing the traditional practice of historical demography. Thus, in addition to a copious reproduction of the methods used by Nadal and Giralt (Pérez & Sven, 1992, VII), new methodologies and analytical perspectives soon prevailed. These illustrated how the study of French immigration, although always indebted to its founders, has gained its own trajectory (Vila, 2024, 13–18). In the specific case of marriages, recent decades have seen the emergence of studies focused on the marital behavior of immigrants and its role in their integration into host communities (Amengual, 2018; Amengual & Pujadas, 2021; Salas, 2019).<sup>10</sup> Indeed, marrying a local woman was one of the primary mechanisms for adaptation among French immigrants, alongside their seamless integration into work and parish life (Simon, 1999, 90).

As numerous studies point out, mixed marriages stand as one of the strongest indicators of the social integration of immigrants in historical societies, both in the *Ancien Régime* (Almazán, 1992, 31; Amengual & Pujadas, 2020, 2; Capdevila, 2014a, 139; Codina, 1999, 208–209; Fargas, 1994, 789; Pérez, 2012, 345) and in the contemporary period (Coleman, 1994, 113; Puschmann et al., 2012, 4). As noted by Paul Puschmann et al. (2012, 5–6), the marital behavior of an immigrant could result in one of four processes: *segregation* if he opted for exogamy; or *integration*, if he married a non-local woman from a different geographical origin to his own; *assimilation* if he married a native woman; or, he could remain single, which would lead to his *marginalization*.<sup>11</sup>

In the specific case of French immigrants, marrying an indigenous woman also became a significant indicator of their commitment to the host community and, with it, a promising pathway to other forms of integration. While this did not always ensure the full acceptance of the immigrant within their host communities

10 It is also worth highlighting María José Vilalta's (2006), which offers insight into the matrimonial behavior of French immigrants, nevertheless within a broader study on Lleida's marriage market.

11 This theoretical framework has also been highlighted in Amengual's (2018) study, to which this paper is deeply indebted.

(Pérez, 2012, 328), it was indicative of their progressive assimilation. This is the case of juridical integration, recognized both through the acquisition of the *vecindad*—this is, the citizenship in local communities—and the *naturaliza*—translated here as *nativeness*, thus adhering to the terminological adaptation offered by Tamar Herzog (2003, 8). The latter status enabled *new Catalans* to avoid coercive measures during times of conflict between the Hispanic and French Monarchies, such as seizure of property (Amengual, 2018, 276) or expulsion (Salas, 2003a, 686; Sales, 1997, 681). It is worth noting that, while Núria Sales (1997, 677) argues how the derivative acquisition of nativeness allowed the exercise of all the rights and privileges granted to *original* natives (*naturales*), Encarna Roca (1978, 29) contends that Catalan provisions barred the political integration of immigrants, even from those who were naturalized, thereby preventing them from holding public office. This was not the case for the children born of mixed marriages who lived in Catalonia (Ginebra, 2002, 92–93; Roca, 1978, 15), who were considered natives (*naturales*) of the Principality for all intents and purposes, due to the application of *ius soli* (Ginebra, 2002, 93; Simon, 1999, 95)—that is, birth in Catalonia, even if the parents were not native.

For her part, Herzog has addressed the issue of juridical integration in modern Castile highlighting the existence of an unwritten law that elevated nativeness, much like citizenship in local communities (*vecindad*), into a complex socio-legal construction, based on the assumption that, “people who wanted to live together and were willing to commit themselves permanently to the community had the right to consider themselves members of it, both as *vecinos* and as *naturales*” (Herzog, 2006, 177).<sup>12</sup> Often combined with other loyalty indicators—such as having children, paying taxes or breaking bonds with one’s homeland—marrying a native woman became compelling evidence of the foreigner’s intention to settle and to achieve assimilation in the eyes of the authorities and citizens. This could lead to the immigrant’s derivative acquisition of nativeness or acceptance as a neighbor. With such evidence of their desire to belong, the immigrant could successfully mitigate the danger associated with the rootless condition of outsiders (Herzog, 2006, 116–117, 119, 249).

Scholars do not seem to recognize the existence of this implicit social and legal category based on the immigrant’s expressed desire for assimilation in the case of Catalonia.<sup>13</sup> However, it can be observed how those proofs of loyalty, commitment, and connection to the territory played a fundamental role among the criteria used to resolve the formal concessions of nativeness (*naturalización*). And while

12 “Las personas que querían vivir juntas y estaban dispuestas a comprometerse de forma permanente con la comunidad tenían el derecho a considerarse miembros de ella, a la vez como *vecinos* y como *naturales*” (Herzog, 2006, 177).

13 As the researchers point out, the definition of the quality of being Catalan essentially responded to the need to limit foreigners’ access to public office and ecclesiastical benefits (Ginebra, 2003, 14–15). Thus, the legal doctrine of Catalan nativeness was not subject to specific legislative treatment (Roca, 1978, 7–8).

the modern Catalan doctrine on nativeness primarily relied on the application of *ius soli* and *ius sanguinis*—being a child of Catalan parents—as well as on the applicant’s prolonged and continuous residence in territory (Ginebra, 2003, 17; Roca, 1978, 29–33), Sales (1997, 677) acknowledges that marrying a native woman could facilitate the derivative acquisition of the native (*natural*) status, just as the adoption of local customs and language. Mixed marriages, therefore, were also interpreted in Catalonia as clear evidence of an immigrant’s decision to settle and commit to the territory. Although they were not considered constitutive elements of naturalization *per se*, they transformed the immigrant’s social and even juridical status, as demonstrated by their exemption from the prohibition against bearing arms extended to all French residents in the Principality by the 1542 Courts of Monzón (Ginebra, 2002, 93).

This consideration of “less foreign” (*menys estrangers*) (Ginebra, 2002, 93), therefore, was particularly redefined in the case of French men. In a context in which, as Rafael Gibert (1958, 185) highlighted, “the faith community acts in shaping the statute, even pushing the boundaries of nationality and foreignness”,<sup>14</sup> the foreign status of the ultra-Pyrenean was exacerbated by the potential heretical influence attributed to him by society and the authorities (Capdevila, 2014a, 151; 2014b, 406; Colls, 2002, 210; Simon, 1999, 95; Torres, 2002, 356), turning him not only into a stranger and, therefore, dangerous, but also into a religious and political enemy (Castelnaud, 1993, 145).

This mistrust often manifested itself in a Francophobic attitude, as exemplified by the consolidation of the derogatory *gavatx* to refer to these immigrants as a whole. The term was frequently accompanied by a string of pejorative adjectives, illustrative of the suspicions this group provoked among their fellow citizens. It has been documented by numerous scholars in the notarial and official records of modern Catalonia (Capdevila, 2014a, 168; Gual, 2021, 249; Gual & Masdeu, 2021, 30; Moreu-Rey, 1959, 13), as well as in proverbs and songbooks that attest to the popularization and derogatory connotation of this designation (Capdevila, 2009, 210). On not a few occasions, it foreshadowed physical assaults (Almazán, 1992, 34). Indeed, the legal and economic inequalities, political and institutional tensions, inquisitorial actions, and the unease generated by some social conflicts such as banditry all contributed to the newcomer becoming a scapegoat for ongoing tensions and issues troubling both the authorities and the native population (Capdevila, 2014a, 151; Simon, 1999, 96–97; Torres, 2002, 355–359), subjecting them to exhaustive control and persecution (Almazán, 1992, 36; Blázquez, 1990; Capdevila, 2014b; Codina, 1992, 54; Monter, 1988; Simon, 1999, 94–97). It does not seem too risky, therefore, to conjecture the added value that demonstrating signs of loyalty to the host community could represent for the French men.

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14 “La comunidad de fe actúa en la formación del estatuto forzando incluso el marco de nacionalidad y extranjería” (Gibert, 1958, 185).

In addition to the assimilationist role I have outlined, the socio-economic benefits underlying mixed marriages must also be considered. This has been emphasized by specialists when analyzing the integrating implications of these unions (Amengual, 2018; Salas, 2009). In this sense, a “fortunate marriage” (*matrimonio afortunado*)—borrowing Salas’s term (2009)—borrowing facilitate upward mobility for French immigrants, thereby improving their condition. While marriage was fundamentally aimed at preserving and transmitting family wealth to ensure the reproduction of the social group (Amengual & Pujadas, 2020, 25; Baixauli, 2003, 91), marital behavior was also conditioned by the limitations of the marriage market (Amengual, 2018, 272; Salas, 2009, 274) and by the attraction generated by certain individual characteristics (Amengual, 2018, 272).

The unions between French immigrants and Catalan widows fit within this explanatory framework. On the one hand, the limited presence of women of the same origin and the disadvantageous position of the ultra-Pyreneans in the marriage market influenced the criteria for forming couples (Salas, 2003b, 156), often leading them to marry widows. This trend became so prominent that it is highlighted in the literature as one of the defining features of immigrants’ marital behavior (Amengual & Pujadas, 2020; Capdevila, 2014a, 143; Nadal & Giralt, 1966, 33; Salas, 2003b, 156; 2019, 239), along with the higher age at marriage compared to local men (Amengual, 2018, 279–285; Salas, 2019, 231–233). On the other hand, the need for widows to overcome their legal, economic, and social vulnerability (Amengual & Pujadas, 2020, 20), as well as their challenging reintegration into the local marriage market—which was particularly aggravated by old age due to its reproductive vocation (Tovar, 2014–2015, 94)—made them more prone to descend the social ladder (Amengual & Pujadas, 2020, 4). This symbiotic relationship was highlighted by Miquel Amengual and Joana Maria Pujadas (2020, 4), pointing out that, “a French immigrant would provide the widow with hands to work the land, or to run a craft workshop, while at the same time restoring her to a legal, social, economic, and even moral status accepted by the whole of society”.<sup>15</sup>

In the case of the Barcelona area,<sup>16</sup> Amengual & Pujadas (2020, 20) pointed out how 29% of French men who married widows between 1566 and 1620 experienced upward mobility. In addition to a pre-existing home and access to her family and kinship networks, a peasant widow could offer an immigrant day laborer land to cultivate, whether owned or rented (Amengual & Pujadas, 2020, 6; Salas, 2009, 277) and, with it, “a guarantee of secure, deeply stable employment” (*una garantía de trabajo seguro profundamente estable*) (Vilalta, 2006, 32). In the case of the widows

15 “Un inmigrante francés proporcionaría a la viuda unos brazos para trabajar la tierra, o para sacar adelante un taller artesanal, al mismo tiempo que la restituiría a una situación legal, social, económica e, incluso, moral, aceptada por el conjunto de la sociedad” (Amengual & Pujadas, 2020, 4).

16 The terminology used by Amengual and Pujadas (2016, 39–41) is followed, who employ the term “area” to refer to the deanery of the former Diocese of Barcelona, known as the *Oficialitat*.

further removed from the rural world, they could facilitate access to the guild system<sup>17</sup> (Salas, 2009, 277) and their own artisan workshops or even commercial businesses (Amengual & Pujadas, 2020, 6).

#### THE PRENUPTIAL AGREEMENTS OF THE HOSPITAL DE LA SANTA CREU (1532–1601)

Nevertheless, these fortunate unions did not reflect the overall patterns of French immigrants' marital behavior. Social mobility was, in some instances, downward, evidencing how matrimonial strategies were driven by other objectives and causes that extended beyond socioeconomic advancement and even social endogamy, as I have pointed out. Their marriages to young women who had been abandoned at the Hospital de la Santa Creu in Barcelona are highly representative of this statement.<sup>18</sup>

The foundling has passed unnoticed as a historical subject in studies on the matrimonial behavior of French immigrants and in the traditional historiography on migration, which has primarily focused on Catalan maidens and widows, French women, and second-generation immigrants. This constraining framework, however, is insufficient to explain the omission of foundlings' role in the integration processes of the newcomers. The scant interest that the Hospital de la Santa Creu has generated among modernists is striking,<sup>19</sup> as it stands in contrast to the abundant contributions dedicated to the fifteenth century. Regarding the daughters of the Hospital, only Àurea Roldan (1982) has offered some approaches to the abandoned children at the institution during the sixteenth century, as reflected in her unpublished Bachelor's Thesis and a brief, mostly quantitative article in the Catalan magazine *L'Avenç* (Roldan, 1983). For their part, Teresa Vinyoles, Ximena Illanes and Salvatore Marino have conducted thorough and prolific research on foundlings<sup>20</sup> and have extended some of their studies to the first decade of the 1500s (Illanes, 2013a; Illanes & Vinyoles, 2012; Illanes, Marino & Vinyoles, 2023). However, they have not dedicated any specific academic work to the prenuptial agreements. Instead, we find only a few approximations (Illanes, 2013a, 86–87;

17 This aspect was reviewed by Maarten Prak et al. (2020, 428), for the case of widows of masters in some European cities. On the other hand, the tendency towards social endogamy among artisans has been highlighted by Vilalta for the city of Lleida (2006, 32). Capdevila (2014a), Salas (2009), and again Vilalta (2003) have pointed out the extraordinary difficulties faced by the French in both entering and, more importantly, advancing within the guild system.

18 I have presented a preliminary approach to the phenomenon in my unpublished Master's Thesis (Vila, 2024), which includes an exercise in quantification and periodization of French men in prenuptial agreements, as well as a more detailed analysis of their geographical origin and occupational profile.

19 It is worth noting the recent contribution of Josep Capdeferro (2020) to the jurisdictional dimension of the Hospital and its various fields of action during the sixteenth and seventeenth centuries, and which adds to Josep Danon's (1978, 27–31; 75–85) forays into the 1500s Hospital in his classic study on the history of the institution.

20 Among other titles, cf. Vinyoles (1986; 2013), Vinyoles & González (1981), Illanes (2010; 2011; 2013a, 2013b; 2016; 2018; 2019) and Marino (2018, 2019).

2019; Vinyoles, 1989, 2014), due to the limited number of contracts preserved from the fifteenth century. This led Vinyoles (1989, 262) to conjecture that, “not all girls must have found husbands, as we have very few records of foundlings who got married”.<sup>21</sup>

However, in the early modern era, foundlings did marry in significant numbers; or at least they were predisposed to do so.<sup>22</sup> This was the ultimate goal of Renaissance welfare institutions for abandoned children—social integration. Only then did the Hospital conclude its guardianship over them (Illanes, 2019), thus completing, in principle, the life cycle of institutionalized young women.<sup>23</sup> And in the sixteenth century, French immigrants played a fundamental role in this process. Even a superficial look at the prenuptial agreements of the institution—preserved in the notarial protocols of the Historical Archive of the Hospital de la Santa Creu i Sant Pau (AHSCP)—is enough to confirm the unusual frequency with which the administrators of the Hospital arranged marriages for the daughters of the institution with individuals from the neighboring country.

For the sixteenth century, the AHSCP holds 53 manuals belonging to the eight notaries who succeeded each other throughout this period, although we do not find strict prenuptial agreements until 1532. By that, I mean complete documentary units, written in Catalan (Gifre, 2010) and containing specific clauses in addition to those inherent to a contract, which was repeated with a homogeneous structure until 1601.

The document structure begins with the introduction of the contracting parties. In the case of grooms—and, to a lesser extent, their fathers—in addition to specifying the name and surname, information is usually provided about both their geographical origin (naturalization and/or residence) and professional background. As for the future wife, her name is usually given—rarely compounded and, even less frequently, accompanied by surnames—along with her status as a foundling (*filla del Hospital* or *filla de la present casa*, literally, a daughter of the Hospital, or house) when applicable.

21 “No totes les noies devien trobar marit, ja que tenim poquíssimes notícies d’expòsites que es casin” (Vinyoles, 1989, 262).

22 In fact, prenuptial agreements, as private contracts signed by the future husband and wife to establish the economic regime of the new family as well as the laws governing their juridical relationships, only allow us to ascertain the intention—implicit in the documentation—to enter into marriage. Corroborating, however, their formalization requires other documentary sources that fall beyond the means of the present research.

23 The examination of prenuptial agreements has allowed us to note how some widowed foundlings resorted to the institution to arrange a second marriage (AHSCP-PC, Manual de Miquel Cellers, 3, fol. 75v–76r; 9, fol. 42r–43r; Manual de Miquel Joan Cellers, 20, fol. 49r–59r; 7, fol. 80v–82r; Manual de Joan Sala, 8, fol. 16v–18r). Although, as Maria Isabel Baixauli asserts for sixteenth- and seventeenth-century Valencia, families could disengage “*de la nova aventura matrimonial*” since “*ja havien complit amb el primer matrimoni*” (2003, 152), the hospital once again provided them with a dowry, taking charge of receiving their wages, and, we presume, acting as *afermadors* of their labor contracts or even hiring them to weave within the institution itself (AHSCP-PC, Manual de Joan Sala, 8, fol. 16v–18r). Thus, we suspect that a long-term bond existed between the Hospital and the foundlings that goes beyond the placement of the girls in marriage; a topic we intend to explore in future research.

The donations that constitute the dowries are usually presented thereafter. These primarily consisted of 10 Barcelonian pounds (*lliures*), which the administrators of the Hospital typically offered upon marriage. In cases where they had provided domestic services,<sup>24</sup> the remuneration received is documented, along with any extraordinary donations from their masters-employers. Also common were contributions from Pious Works established by individuals outside the Hospital aimed at marrying off poor maidens<sup>25</sup> and, to a lesser extent, alms and donations from employees and residents of the institution, as well as external agents. Likewise, a clause was set forth to regulate the foundlings' ability to make a will regarding their dowry.

Once the amounts were determined, the dowry constitution was established. This section is usually introduced by an explicit statement of the *consent and will* (*consentiment i voluntat*) of the Administrators and the Prior concerning the marriage arrangement which can also involve the masters of the foundlings. I believe this may indicate the individuals who participated in arranging the marriage. Likewise, the total amount the bride contributes to the marriage is usually specified, along with the conditions for the restitution of the dowry.

The *creix* usually follows the dowry constitution. This prenuptial payment does not appear in all contracts since, as noted in previous studies, it was not mandatory. In this regard, historiography generally presents it as a donation made by the future husband to the woman in recognition of her virginity (Gascón, 2009, 8; Pérez, 1994, 49), thereby acknowledging, implicitly or explicitly, a continuity with the Germanic *Morgengabe* tradition. However, it seems more complicated to clarify its casuistry in the studied prenuptial agreements, as some foundlings who did not receive the *creix* were not recorded as widows. Lastly, the fate of the *creix* following the death of the foundling was determined.

Finally, the parties committed to a date for the celebration of the marriage and for its solemnization, under penalty of a downpayment for non-compliance, ranging from 25 to 100 Catalan pounds.

Of the more than 380 prenuptial agreements preserved in the notarial protocols for the sixteenth century, I have analyzed 366. Numerous methodological criteria

24 As Illanes (2013a, 81) highlighted when studying the modalities in which the abandoned children of the Hospital de la Santa Creu left the institution between 1401 and 1510, it is difficult to discern between the learning of a trade and the domestic service. However, the scholar has verified that it was much more common for girls to leave the Hospital *para servir específicamente en el ámbito doméstico* (Illanes, 2013a, 83). In the case of the prenuptial agreements analyzed, the object of the service is not specified either, with the expression “for the time she has spent in his house” or “for the time she has served in his house” (*per lo temps que ha estat en sa casa or per lo temps que ha servit en sa casa*) being very common. Thus, and given that domestic service was always implied in the contracts of young women (Illanes, 2013a, 85), we have opted to refer generically to these services, understanding, however, that the foundlings might also have assisted in the workshop or performed tasks related to the trades of their employers.

25 Pious Works refers to institutions or legacies established by individuals in their wills for charitable purposes. Among these, it was very common in late medieval and early modern Catalonia and Spain to endow poor maidens (cf. Baixauli, 1993; Rivasplata, 2020; Vinyoles, 1980).

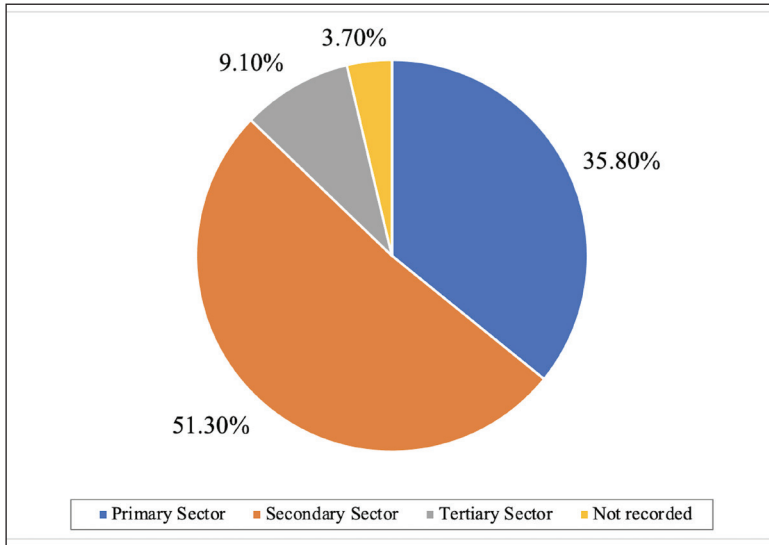
Table 1: Origin of future husbands in the prenuptial agreements (1532-1601).

	Num.	Absolute total	Relative total
France	187	51.1%	-
<i>"Naturals" (natives) of France</i>	107	29.2%	57.2%
<i>"Naturalitat" (nativeness) not recorded, sons of natives of France</i>	69	18.9%	36.9%
<i>"Naturalitat" (nativeness) not recorded, sons of inhabitants in France</i>	2	0.5%	1.1%
<i>"Naturalitat" (nativeness) not recorded, inhabitants in France</i>	1	0.3%	0.5%
<i>"Naturalitat" (natives) of Catalonia, sons of natives of France</i>	5	1.4%	2.7%
<i>French future husband or father (undetermined)</i>	3	0.8%	1.6%
Catalonia	115	31.4%	-
Rest of the Crown of Aragon, Castile and Europe	22	6.0%	-
Not recorded	29	7.9%	-
Undetermined	13	3.6%	-
<b>Total</b>	<b>366</b>	<b>100.0%</b>	<b>100.0%</b>

have converged in this delimitation, ranging from the prioritization of documentary homogeneity and coherence I have pointed out, to the exclusion of contracts signed by non-foundling women. These principles have taken precedence over the accounting of French immigrants (Vila, 2024, 65–71). On the other hand, I have classified as French men all future husbands who appeared in the source as natives of France along with those indirectly related with the country whose nativeness was not documented—thus adhering to the methodology established by Valentí Gual, Xabier Gual and Carles Millàs (1998, 134; Millàs, 2005, 28) and Josep Maria Llobet (1989, 46–47). Consequently, the total number of husbands directly or indirectly associated with France amounts to 187 (51.1%) (Table 1); a figure that should be interpreted as a minimum threshold.

#### TOWARDS AN UNDERSTANDING OF THE RATIONALE OF MARRIAGES: PROFESSIONAL BEHAVIOR AND SOCIAL MOBILITY OF THE FRENCH HUSBANDS-TO-BE

The analysis of the unpublished prenuptial agreements from the Hospital de la Santa Creu demonstrates, therefore, that during sixteenth century French immigrants chose to marry foundlings in greater proportions than the natives, while also providing figures that are difficult to compare with previous studies. Indeed, the most significant percentages recorded for the city—24.9% of those married in the parish of Sant Just i Pastor (1566–99) (Fargas, 1994, 790)—and for the diocese of Barcelona—42%, in Sant Boi de Llobregat (1584–1620) (Codina, 1992, 51)—do not exceed the 51.1% of French men who arranged marriages with the daughters of the Hospital. While it is true that the documentary source does



*Chart 1: Distribution of French future husbands in professional sectors (1532–1601).*

not allow us to corroborate the formalization of the marriages,<sup>26</sup> this high rate underscores the considerable appeal that this matrimonial strategy held for the French community.

The study of the occupational profiles of the contracting parties has revealed that 51.3% of the husbands-to-be worked in professions within the secondary sector, compared to 35.8% dedicated to the primary sector (Chart 1), as well as a significant number of French individuals engaged in tasks that required a certain level of qualification (57.2%).<sup>27</sup>

This finding, while broadly aligning with professional diversification and the trend toward specialization observed by researchers for the Barcelona area (Amengual, 2018; Moreu-Rey, 1959; Nadal & Giralt, 2000), suggests a trend of downward social mobility when it comes to marriages involving foundlings from the Hospital de la Santa Creu.

26 Nonetheless, prenuptial agreements have been widely used as an approach tool to the demographic volume of French immigrants (Capdevila, 2021; Llobet, 1989; Massanell, 1989; Millàs, 2005; Rafat, 1993, etc.).

27 The analysis and classification of professional information according to the level of qualification required for the job has been based on the guidelines established by Nadal and Giralt (2000, 193–201). Likewise, we have categorized the data into productive sectors and economic activities, primarily following the criteria set forth by Amengual (2018, 217), particularly regarding subsectors. To a lesser extent, we have also utilized the works of, in order of preference, Nadal and Giralt (2000, 187–202); Millàs (2005, 105–116) and Antoni Massanell (1989). We delve into the methodology and present the resulting table in Vila (2024).

Indeed, if the social mobility resulting from marriage is generally assessed in relation to the occupations of the bride's parents—or the profession of the deceased husband, if it happens to be a widow (Amengual, 2018, 285)—in the case of foundlings (who were under the guardianship of the welfare institution and largely uprooted from Barcelona society)<sup>28</sup> a bleak scenario unfolds. With minimal dowries derived from their remunerations as domestic servants and sometimes supplemented with charitable donations, these young women were characterized by a high degree of poverty.

Thus, the arithmetic median of the dowries for foundlings who were arranged in marriages with French immigrants amounts to 28.8 pounds for the entire period studied. However, the statistical analysis of the data through its representation in a boxplot diagram reveals that the wives-to-be brought amounts primarily ranging from 20 to 36.4 pounds (50% of cases). Based on the positive skewness presented by the chart, a higher concentration of values between the first quartile and the mean (Chart 2) is observed. Accordingly, it can be asserted that dowries ranging between 20 and 25.8 pounds were the most common in the marriage contracts of French immigrants. From this latter figure the data exhibit greater dispersion, which sharpens until reaching the maximum value of 60.9 pounds. Finally, it is worth noting how, thanks to the generous aid from masters and external agents, four foundlings managed to gather dowries exceeding this threshold, such as Agnes and Catharina, who, in 1583 and 1592, contributed 89.5 and 100 pounds, respectively, to their marriages (AHSCP-PC, Manual de Miquel Joan Cellers, 19, fol. 39r–41r; Manual de Joan Sala, 1, fol. 85r–41v). Nevertheless, these figures are represented in the graph as outliers.

According to the figures obtained, and if we adhere to the socio-professional classification proposal that Isaac García-Oses (2021, 158) elaborated for modern Barcelona based on a sample of prenuptial agreements, the contributions of foundlings to their respective marriages would place these young women within the lowest social typology, which includes the poorest families and urban officials in the Comital City, with dowries ranging up to 99 pounds. Of the 187 cases analyzed, only Catharina managed to escape this category, although by one pound.

The amounts that foundlings brought to their marriages with future Catalan husbands also failed to surpass, on average, the threshold that placed them within the lowest strata of sixteenth-century Barcelona society. However, these sums were somewhat higher, with a median almost five pounds greater than that extracted from the prenuptial agreements of French immigrants. In this case, two differentiated patterns are also observed. First, within the 50% of dowries, ranging from 23.9 to 41.5 pounds, a greater concentration is seen between this latter figure and 30.3 pounds. Thus, the most frequently brought amounts by foundlings were up to 4.5 pounds higher in the case of marriages arranged with Catalans. Second, a greater dispersion is observed as amounts exceed the median, with a maximum value of 67.5, that is, 6.6 pounds higher than the one shown for the French immigrants. In any case, these differences are of little significance when we refer, once again, to the figures provided by García-Oses (2021) for the city of Barcelona.

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28 On this issue, cf. Illanes (2013, 185–188).

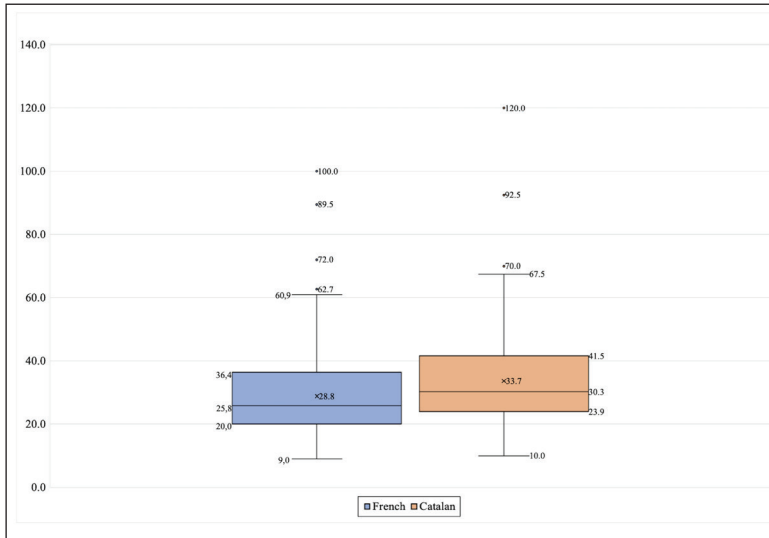
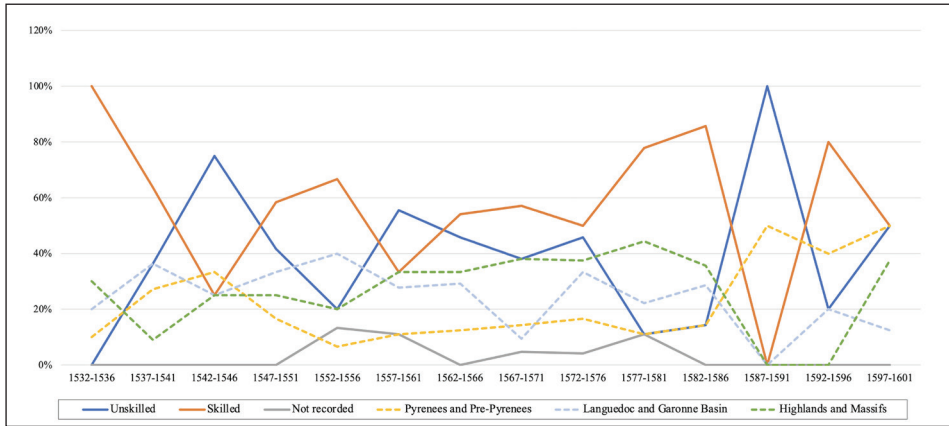


Chart 2: Dowries of foundlings according to the geographical origin of future husbands (1532–1601).

Likewise, the comparative study of dowries does not reveal significant variations according to the French future husbands' professional activities. On one hand, young women drew on the same means to constitute their dowries, established by the institution long before their marriages were arranged; and, on the other, the observed fluctuations do not approach the amounts stipulated for the same professions across Barcelona as a whole. For example, this was the case of blacksmiths—considered part of the most highly skilled artisanship group (Amengual, 2018, 208)—for whom García-Oses (2021, 159) established an endowment capacity ranging from 100 to 249 pounds. However, when marrying foundlings from the Hospital de la Santa Creu, they had to settle for amounts that, on average, reached 38 pounds (AHSCP-PC, Manual de Miquel Cellers, 1, fol. 66r; 9, fol. 79v; Manual de Miquel Joan Cellers, 5, fol. 75r; 7, fol. 80r; 10, fol. 45v; 19, fol. 39r).

It is important to note that the socio-professional categorization that serves us as a model is based on Catalan individuals, or at least the text does not explicitly mention the presence of foreigners. However, the consulted bibliography does not appear to address any wage disparity depending on the workers' origins. Even so, we must interpret the data with caution since, as Salas (2009, 281) highlighted, “being listed in a record as a worker in a certain activity is at most an indication that the person performing it may have achieved a certain status or socioeconomic level”,<sup>29</sup> thus referring to the sensitivity of

29 “Figurar en una relació com treballador en una determinada activitat no passa de ser un indicio de que qui en la desempeña haya alcanzado un determinado status o nivel socioeconómico” (Salas, 2009, 281),



*Chart 3: Distribution of French future husbands according to area of origin and level of specialization (1532–1601).*

immigrants and, especially, their economic status to changing circumstances. Likewise, it should be noted that the prenuptial agreements do not provide information on the position that French husbands-to-be held within the guild structure (master, journeymen or, perhaps apprentice). Thus, in order to determine the level of social mobility that they had to experience by marrying foundlings with a greater degree of confidence, a study of the individual trajectories of the French men is therefore required, which is certainly beyond the scope and resources of this research. On the other hand, considering that immigrants engaged in artisanal trades or qualified jobs are presumed to have achieved greater social integration (Almazán, 1992, 33; Capdevila, 2014a, 142), the question must be asked regarding the reasoning behind their decision to marry foundlings who, mostly, lacked significant social ties within Barcelona's society.

I have outlined various interpretative lines to address this question. I consider the geographical-professional correlation suggested by the correspondence between the periods of greater influx of immigrants from the Highlands and the Massifs and the predominance of ultra-Pyreneans engaged in specialized professions (Chart 3). Thus, by cross-referencing data related to the geographical and professional background of the French husbands-to-be (that is, their distribution between specialized and non-specialized occupations) and organizing it into five-year intervals, a correlation can be observed between the periods of highest immigration from the Highlands and the Massifs (1532–36 and 1557–86) and the Languedoc and the Garonne Basin (1537–41 and 1547–56), with the predominance of French men in specialized professions. Similarly, the peak moments of unskilled immigration largely coincide with the preeminence of immigrants from the Pyrenees and Pre-Pyrenees (1542–46 and 1587–91).

While a relationship between the specialization of the immigrants and their geographical origin appears to be confirmed, the small number of cases in the overall

sample makes it difficult to draw definitive conclusions. As such, I can only propose this correlation as a possible interpretation. Notwithstanding, following this hypothesis and considering the greater-than-usual absence of kinship ties in Barcelona among emigrants from this northern region (Capdevila, 2009, 5–6), as well as the integrative role of these networks of compatriots (Amengual, 2018, 283–284; Capdevila, 2006, 204; 2014a, 149–150), we are faced with a question: could this lack of introducers and ties reduce the chances of marrying the rest of the Catalan maidens or widows?

It is worth asking, then, to what extent the strategy of marrying a foundling would be induced by a higher degree of social exclusion among the contractors. Or, to put it another way—and contrary to what historiography had reported (Amengual & Pujadas, 2020, 25; Codina, 1980, 244, 249)—we should ask if the social condition of French immigrants would respond more to their status as foreigners than to their socioeconomic situation. In this sense, the French contingent emerges as the indisputable protagonist of these unions (Table 1). As such, it can be argued that, *a priori*, the foundling marriage market would have been less restrictive than that of Comtal City maidens; or, at the very least, the ultra-Pyreneans would no longer occupy the disadvantaged position previously demonstrated in analyses of their marital behavior in the Barcelona area (Amengual, 2018, 367) and in the Early Modern Spain as a whole (Amengual & Pujadas, 2020, 2; Salas, 2009, 269–270; 2019, 225, 231). Nevertheless, the significant numerical imbalance between the two marriage markets must not be overlooked: in the Barcelonian one, which included the entire female population of the city, ultra-Pyreneans would hardly outnumber Catalans in marriages due to their smaller demographic presence. In spite of that, this realization underscores the considerable appeal that the strategy of marrying foundlings held for the Gallic contingent.

As I had already pointed out, one of the best known pieces of evidence regarding the unfavorable position occupied by French immigrants in the marriage market lies in their age of nuptial entry (Amengual, 2018, 279–285; Salas, 2019, 231–233). In the case of the Barcelona area, Amengual (2018, 328) concludes that immigrants would marry, on average, at the age of 27.7, a figure “higher than that of the native Catalans for their time, but also, and by a greater margin, than that of their place of origin”.<sup>30</sup> Indeed, immigrants had to undergo a prior period of integration into the host society in order to marry (Amengual, 2018, 280–281; Capdevila, 2021, 220). For her part, Maria Alexandra Capdevila (2014a, 142) pointed out how “the younger they arrived, the greater the chances of marrying a local maiden, and vice versa”.<sup>31</sup> Thus, another possibility we have outlined regarding the logic that motivated these unions—also in relation to the greater openness we hypothesized for the foundling marriage market—is that they may have provided an opportunity to shorten the late age at which French men typically entered marriage. This would have expedited the social integration process,

30 “*Més elevada que la dels autòctons catalans per a la seva època, però també, i amb més diferència, que la del seu lloc d’origen*” (Amengual, 2018, 328).

31 “*Com més joves arribaven, les possibilitats de casar-se amb una donzella del país augmentaven, i viceversa*” (Capdevila, 2014a, 142).

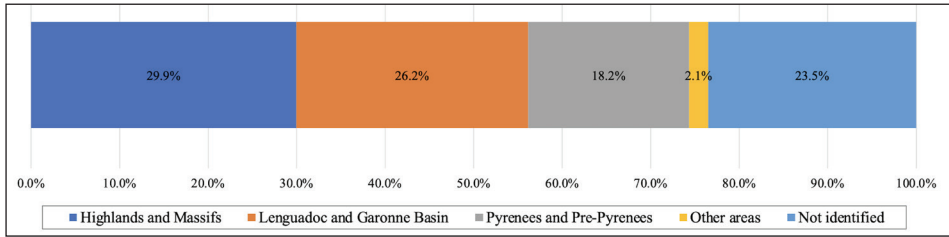


Chart 4: Distribution of French future husbands by region of origin (1532–1601).

particularly in the case of immigrants from the Highlands and the Massifs, who constitute the most-represented group in the marriage contracts of the Hospital de la Santa Creu, accounting for 29.9% (Chart 4), and for whom the literature has noted a later age of emigration.

Nonetheless, the documentation does not provide data on the ages of immigrants that may allow us to assess whether this hypothetical advantage would compensate for the social decline associated with marrying a daughter of the Hospital, as I conjectured in the case of artisans and other more skilled workers.

Regardless, in either of the two assumptions, the decision to enter marriages with foundlings would have been driven by a need for assimilation, highlighting their integrative role. Thus, and as Amengual and Pujadas (2020, 15) pointed out, downward social mobility often indicated “the necessity, given their migrant status, to marry at any cost [...] in order to achieve integration into the host society”.<sup>32</sup> In this way, access to land or artisan work, as well as social reproduction, appears to be subordinated to the social and legal benefits of marrying an autochthonous woman or to the necessity of demonstrating loyalty to the host community—when not relegated by a greater exclusion of foreigners in the Catalan marriage market, which would surpass the limits of their social condition. The institution of marriage, therefore, would no longer be established merely as a tool for the transmission of assets and group reproduction; instead, it would become a mechanism for social integration, serving both French immigrants and foundlings.

## CONCLUSIONS

Our study provides a new subject and source to the prolific line of research on French immigration of great qualitative value that, in addition to ratifying the scope of hospital documentation as a cross-sectional tool for examining historical processes, compels us to reflect on the self-generated strategies for social integration employed by newcomers. The decision made by some French immigrants to marry young women

32 “La necesidad dada por la condición migrante de casarse a cualquier precio [...] para lograr la integración en la sociedad de acogida” (Amengual & Pujadas, 2020, 15).

from the lowest strata of sixteenth-century Barcelona society, who were characterized by a high level of social uprooting, may be indicative of an integrative role of marriage that would outweigh the search for the socioeconomic integration of those foreigners willing to settle in Catalonia.

This phenomenon is attributed not only to the significant appeal of the strategy of marrying foundlings—offering a marriage rate between French and native women (51.1%) that surpasses all previous studies on this topic—but also to the downward social mobility that a significant portion of the husbands-to-be would experience. The potential access to land or artisanal work that a fortunate marriage could provide—it is worth recalling the 29% of immigrants who experienced upward social mobility in the Barcelona area by marrying widows (Amengual & Pujadas, 2020, 20)—, along with the social endogamy typically associated with the institution of marriage, appear to be subordinated, in this case, to the other advantages derived from marrying a native woman.

In this sense, the bibliographic analysis of the socio-juridical status of immigrants in modern Castile and, above all, modern Catalonia reveals how mixed marriages became evidence of foreigners' desire to settle in the eyes of society and the authorities. Consequently, these unions could be instrumentalized by these same foreigners to achieve their integration into the host community. Additionally, for French immigrants, marrying a native woman not only improved their social and juridical standing but also, while not making Catalans *per se*, made them *less foreigners*, distancing them, at least partially, from the suspicions associated with the lack of roots intrinsic to their status of foreigners and the political and religious threat perceived by their contemporaries due to their ultra-Pyrenean background.

Likewise, the necessity of escaping social exclusion finds its correspondence in the unions with foundlings. Thus, the greater absence of family ties in Barcelona that the historiography associates with the emigrants from the Highlands and the Massifs—who constituted the majority of the French men who engaged in jobs that required a certain level of skill in the bibliography and, as I estimate, in the prenuptial agreements—and therefore the impossibility of benefiting from the protection and integration offered by these networks of compatriots, could have limited their opportunities of entering into marriage, especially with non-institutionalized maidens and widows. In this case, the strategy of marrying a foundling would be attributed to a higher level of social exclusion, which, contrary to the assertions of historiography, is more closely linked to the status of French immigrants as foreigners rather than their socioeconomic situation.

Therefore, as a result of the social and legal benefits associated with marrying a native or of a social consideration that would subordinate their economic situation to their foreign status, I consider that French immigrants could have experienced a decline in social standing by marrying a daughter of the hospital in order to facilitate their social integration, thus redefining the meaning and main function of marriage in the societies of the *Ancien Régime* to result in a strategy of symbiotic integration. Nevertheless, a future and forthcoming exercise of family reconstruction that focuses on the individual trajectories of ultra-Pyreneans who chose to marry foundlings between 1532 and 1601 would likely allow us to confirm the hypotheses presented throughout these pages.

SKLENITI POROKO Z NAJDENKO: FRANCOSKI IMIGRANTI  
MED INTEGRACIJO IN IZKLJUČENOSTJO V ZGODNJENOVVEŠKI  
BARCELONI (1532–1601)

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**POVZETEK**

*Zgodovinopisje zagovarja tezo, da so mešane poroke imele integrativno vlogo pri asimilaciji in akulturaciji tujcev. O francoskih migrantih, ki so se v Katalonijo priseljevali med 15. in 18. stoletjem ter njihovi udeležbi na poročnem trgu obstaja le nekaj študij. Te so sicer temeljite, toda pretežno kvantitativne, obenem pa v svoji konceptualizaciji poročnih vezi kot integracijskih mehanizmov poudarjajo čezpirenejsko iskanje družbene in gospodarske vključenosti. Ta članek prispeva nov vir k analizi poročnih strategij francoskih imigrantov in nov historični subjekt k bogatim raziskavam migracij: predporočne pogodbe iz let 1531–1601, ki so vključevale mlade ženske, ki so jih kot najdenke vzgojili v špitalu sv. Križa (Santa Creu) v Barceloni. Medtem ko je bila kvantitativna študija teh imigrantov že opravljena na podlagi metodoloških smernic Jordija Nadala in Emili Giralt, je pričujoča razprava osredotočena na prišlekom lastne družbeno-integracijske pristope. Članek prouči na čem so temeljile obravnavane zveze in analizo virov dopolni z bibliografsko študijo družbenih, pravnih in gospodarskih koristi porok med Francozi in domačinkami. Raziskani so število in družbeno-poklicni profili pogodbenih strank, kot tudi vsote, ki so jih najdenke prinesle v zakon. Analiza pokaže, da so bili nekateri imigranti pripravljani znižati svoj družbeni položaj, da bi premagali izključenost zaradi svojega statusa tujcev ali da bi olajšali svojo družbeno in pravno integracijo. Sklepati gre, da so imele tovrstne poročne odločitve funkcijo simbiotične integracije, kar je v primeru posameznih francoskih imigrantov pomenilo podreditev družbenoekonomskega vzpona oziroma družbene endogamije potrebi po asimilaciji.*

*Ključne besede: špital Santa Creu, zgodnjenovoveška Barcelona, francoska imigracija, najdenke, mešani zakoni, predporočne pogodbe, integracija*

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NEWCOMERS IN MARIBOR IN THE FIRST HALF  
OF THE EIGHTEENTH CENTURY IN THE MARRIAGE RECORDS  
OF THE PARISH OF ST JOHN THE BAPTIST

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**ABSTRACT**

*This article examines the role of newcomers in Maribor during the early eighteenth century through an analysis of 401 marriages recorded between 1700 and 1748 in the Parish of St John the Baptist. At least one spouse in each of these documented marriages originated from outside Maribor (including arrivals from German-speaking Styria, from Carinthia and Carniola, as well as nearby towns and villages). The study shows strong evidence that in-migration via marriage was vital for Maribor's demographic and economic recovery after the late seventeenth-century plague. Newcomers often married into established local families, particularly those of guild masters and artisans, swiftly obtaining burgher status and guild membership. Marriage functioned as a key integration mechanism that transformed 'outsiders' into 'insiders' and helped replenish skilled labour in the town. The findings highlight that Maribor depended on a constant influx of migrants to sustain its population and craft industries, as was typical of many pre-industrial towns where deaths outpaced births. Through quantitative analysis of marriage registers and illustrative case studies, the article contributes new insights into early modern urban mobility, showing how socially sanctioned institutions like marriage facilitated the integration of migrants into urban society.*

*Keywords: Maribor, Styria, newcomers, migrations, marriage as an integration mechanism, early-modern urban demography*

## I NUOVI ARRIVATI A MARIBOR NELLA PRIMA METÀ DEL DICIOTTESIMO SECOLO NEI REGISTRI MATRIMONIALI DELLA PARROCCHIA DI SAN GIOVANNI BATTISTA

### SINTESI

*L'articolo esamina il ruolo dei nuovi arrivati a Maribor durante l'inizio del diciottesimo secolo, attraverso l'analisi di 401 matrimoni registrati tra il 1700 e il 1748 nella parrocchia di San Giovanni Battista. In ciascuno dei matrimoni documentati, almeno uno degli sposi non proveniva di Maribor. Lo studio rileva che l'immigrazione tramite matrimonio fu fondamentale per la ripresa demografica ed economica di Maribor dopo la peste della fine del diciassettesimo secolo. I nuovi arrivati spesso si sposavano con membri di famiglie locali già affermate, in particolare quelle dei maestri artigiani e dei membri delle corporazioni, ottenendo rapidamente lo status di borghesi e l'iscrizione alle corporazioni. Il matrimonio funzionava come un meccanismo chiave di integrazione che trasformava gli 'outsiders' in 'insiders' e contribuiva a rifornire la città di manodopera qualificata. I risultati evidenziano come Maribor dipendesse da un flusso costante di immigrati per mantenere la propria popolazione e le attività artigianali, come avveniva in molte città preindustriali in cui i decessi superavano le nascite. Attraverso l'analisi quantitativa dei registri matrimoniali e di casi studio esemplificativi, l'articolo offre nuove prospettive sulla mobilità urbana nell'età moderna, mostrando come istituzioni socialmente riconosciute come il matrimonio favorissero l'integrazione dei migranti nella società urbana.*

*Parole chiave: Maribor, Stiria, nuovi arrivati, migrazioni, matrimonio come meccanismo d'integrazione, demografia urbana in età moderna*

### INTRODUCTION<sup>1</sup>

On 21 September 1728, two siblings, originally from Leibnitz, stepped before the altar of the Church of St John the Baptist in Maribor. Joseph (Josephus) Künsperger, a belt-maker, married Maria Katharina (Catharina)

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Korper, the daughter of a local foundry master, while his sister Maria Rosalia immediately wed Graz jeweller Franz Xaver Eisner. With that single inscription in the parish marriage register, Joseph passed from newcomer to prospective burgher, acquiring the first rights and obligations that tied incomers to Maribor's civic community. Scenes of outsiders becoming insiders, recorded more than four hundred times in the registers between 1700 and 1748, at least to some degree helped a town during the first years of this period still recovering from the plague of 1680–82 to repopulate its workshops and tighten its links to the broader Inner Austrian economy.

This introductory study attempts to reconstruct select aspects of newcomer integration's scale, social profile and institutional pathways in the first half of the eighteenth century. The focus lies on 236 marriages in which at least one spouse was recorded with an external parish of origin from more distant areas. We know this criterion is arbitrary since newcomers from the surrounding Lower Styrian countryside were also regarded as newcomers, but we found this differentiation valuable and adequate, in particular when it comes to differentiation between non-dwellers from the immediate or close surroundings and all other territories. It should be noted, e.g., that occupation is registered far less often in the large former group than in the later. Our research aims to trace how marriages channelled newcomers from the Lower Styrian towns, like Ptuj, Celje and Slovenska Bistrica, German-speaking parts of Styria, from Carinthia and Carniola, and from more distant lands into Maribor's craft guilds and burgher ranks. By tracing each bridegroom's or bride's recorded place of origin, occupation, and subsequent civic status, we seek to (1) quantify the relative weight of local, regional and supra-regional streams; (2) examine how marriage functioned as an entry ticket to guild membership and burgher status; and (3) very modestly assess the demographic contribution of newcomers to a city or town, at least in first decades of the eighteenth century still recovering from the late-seventeenth-century mortality crises.

We have mainly limited ourselves to the marriage register, as it offers the best starting point for reflecting on the issue. When a marriage was celebrated, priests usually noted the names of the bride and groom, their parents and, usually, their origins. Often, a note was added on the occupation of the groom, sometimes also that of his father. We have also consulted the burial register, but the data recorded is limited in this period (unlike in the last third of the seventeenth century, when registers are already available) (Hozjan, 2024, 13) and does not even provide the ages of the deceased, so that, except for a few comparisons, it has not proved to be very useful. We explicitly acknowledge that the evidential value of marriage registers alone is limited for comprehensive demographic inference. A fuller investigation could integrate baptism and burial registers and triangulate them with serial sources such as household or tax listings and analogous enumerations,

before advancing stronger demographic hypotheses. It should be added that the above-mentioned registers were used in the edition of the late academical Jože Mlinarič, which is part of the collection Materials for the History of Maribor (Mlinarič, 2002; 2003).

We limited ourselves to the part of the mentioned collection covering the years 1700–48 (Mlinarič, 2002; 2003). This period occupies a clear historiographical niche: it bridges Hozjan's treatments of Maribor's demographic up to the mid-eighteenth century (Hozjan, 2002; 2006) and the examinations of the town's demographic and occupational structures after mid-century (Curk, 2002; Hozjan, 2019).

The discussion unfolds in four further sections, which follow the Introduction. Section Theoretical Concepts defines the pre-industrial era's migration regimes (1650–1750) and the eighteenth-century newcomer. The Historical Context section sketches the socioeconomic and institutional setting of Maribor and the Parish of St John the Baptist in the first half of the century. Empirical Analysis then quantifies newcomers, maps their geographic catchment, and examines their occupational spectrum. In the Case Studies section, three examples illustrate the individual strategies behind the aggregate numbers: the sculptor Joseph Straub, the Künsperger siblings, and a rare interfaith marriage. Finally, the Conclusion summarises the findings, comments on the study's limitations, and indicates directions for future research.

## THEORETICAL CONCEPTS

### Conceptualising Migration Regimes in the Pre-industrial Era (1650–1750) and Newcomers

Early modern urban society was highly dynamic, shaped profoundly by the influx of newcomers – termed *advena*, *forensis*, *extraneus* or simply foreigners in contemporary sources (Ergaver, 2024, 688). Contrary to older assumptions of a static pre-industrial society, recent scholarship since 2000 – but also select researchers of older generations – emphasises that mobility in the seventeenth and eighteenth centuries was pervasive across Europe (e.g. Weber, 2022; Augel, 1971; Bade, 2000; Bade & Oltmer, 2003; Lucassen & Lucassen, 2014; De Munck & Winter, 2012). Movement was a regular part of rural routines as young people sought work in agriculture, and people moved to marry or acquire land. Even before the advent of railroads and modern passports, 'thousands of newcomers a year poured into the bigger cities' of early modern Europe (Clark, 2012, 1193). In Habsburg Inner Austria – particularly the duchies of Styria, Carinthia, and Carniola – cities like Maribor (*Marburg*), Ljubljana (*Laibach*), and Graz depended on a steady stream of migrants to sustain growth and recovery. The urban natural increase alone was insufficient, as the four horsemen of the apocalypse – war, strife, famine, and death – took their toll (Friedrichs, 1979, 43). As Leslie

Moch observes, cities ‘could not maintain their numbers without the intrepid newcomers who streamed through their gates’ (Moch, 2011).

Historians describe an ‘early-modern migration regime’ to characterise the legal and institutional filters that structured this mobility. Unlike modern nation-states, early modern polities enforced mobility through estate-based and local regulations rather than national citizenship (Fahrmeir, 2007, 9–26). Town charters, guild statutes, seigneurial laws, and provincial decrees collectively formed a migration regime that simultaneously needed and restricted newcomers. On the one hand, labour demand after wars and plagues pulled migrants into cities; on the other, exclusionary mechanisms limited who could settle and under what conditions. For example, residence and business in a walled town often required formal burgher rights (citizenship) or incorporation into a guild (Wallis *et al.*, 2015, 3). Those without such status – labelled *habitatores* (inhabitants without full rights) or simply outsiders – faced higher taxes, residency permits, or even expulsion in times of crisis (Ergaver, 2024, 688). Overall, however, recent research suggests these barriers, while significant, were permeable. Migrants and the sons of ‘outsiders’ comprised a large share of many urban populations, indicating that towns ultimately incorporated many incomers despite formal hurdles. The tension between the economic necessity of newcomers and the legal impulse to control them is a recurring theme in the literature.

Marriage emerged as a key strategy by which outsiders navigated the urban migration regime in this period. Social historians have documented how marrying into an established local family could fast-track an immigrant’s integration, effectively making marriage a ‘gateway’ to guild membership and burgher rights (Ergaver, 2024, 688).

Citizenship (*bürgerrecht*) itself served as prized social capital. Many cities in the 1700s relaxed ancestry rules and sold burgher status to industrious immigrants. New citizens could trade, join guilds, and hold office, but poor newcomers or non-Catholics often remained lifelong *habitatores*. Women and the poor, though taxed, stayed politically marginal. Together, marriage and citizenship formed interlocking and highly selective mechanisms that structured migrant mobility and stratification in the early modern period (Walker, 1971; Boone & Prak, 1996; Van Zanden & Prak, 2006; Epstein, 1998).

A few words should also be devoted to how we defined the concept of a newcomer in the framework of this article. We understood it quite broadly, yet still somehow selective, as we included in the category all individuals who came to Maribor from any area. Yet we decided to emphasize newcomers from the areas outside the immediate surroundings of Maribor, i.e. its neighbouring parishes like Jarenina or Hoče. For the study, we also included individuals already residing in Maribor but whose external origin was explicitly mentioned in the marriage register. At the same time, we briefly note immigrants from the mentioned immediate surroundings based on data in the marriage register, only to illustrate their general contribution to the changing townscape of early eighteenth-century Maribor.

## HISTORICAL CONTEXT

**Maribor in the First Half of the Eighteenth Century**

Maribor at the turn of the eighteenth century was still recovering from severe demographic losses caused by the plague of 1680–82, considered by contemporary parish sources as the most devastating epidemic of the early modern period (Oman, 2023, 274). In the area that composed the Parish of St John the Baptist, up to 483 deaths were attributed to the epidemic, representing about one-seventh of all communicants (Hozjan, 2002, 33; 2006, 311–312).<sup>2</sup>

The baptismal register for 1682 notably recorded that illegitimate births accounted for an unusual twenty per cent, indicating a crisis in the social fabric. Jože Mlinarič even wrote of characteristic shifts in the linguistic composition of the town's population in connection with the population change resulting from the plague. However, recovery was swift: tax records and the town-wide tax census of 1711 already revealed household numbers approaching pre-plague levels, and by 1739, the Easter roll counted 2,489 communicants with twenty-three absentees (Mlinarič, 1991a, 186). Strategic geography supported this resurgence. Maribor's location, with the only permanent bridge over the Drava river between Dravograd and Ptuj, situated it firmly on the longstanding Vienna–Graz–Ljubljana route. Thanks to the construction of the Vienna–Trieste trade road under Emperor Charles VI, which passed through the town, Maribor experienced at least a moderate economic boom in the eighteenth century and finally overtook its Lower Styrian rival Ptuj (Mlinarič, 1991a, 186). The 1754 Habsburg census enumerated at least eight licensed innkeepers and two wine-tavern owners within the town walls, reflecting the economic vitality sustained by significant traffic (Hozjan, 2019, 589; Curk, 2002, 76–77). River transport also expanded significantly. The timber bridge was eventually replaced in 1775 with a more robust structure suitable for military and heavy commercial traffic (Zgonik, 1991, 21). The town maintained its distinct medieval urban texture throughout the early eighteenth century. A 1712 panorama by Werner depicted Maribor dominated by the landmarks of the parish church and the castle amidst a cramped grid of roughly four hundred plots (Hozjan, 2006, 315).

Administratively, Maribor's status remained unchanged until significant reform by Maria Theresa, who in 1752 established Maribor as the permanent seat of the District (*Kreis*) between the Mura and the Drava, firmly positioning it as a regional centre overseeing military accounts, road inspections, and land taxation (Semlič Rajh, Oman & Mlinarič, 2012, 25). Despite administrative stability, municipal finances were unstable, burdened notably by the 1619 mortgage of the lucrative provincial-court jurisdiction to Johann Jakob Khisl due to war levies – a financial liability persisting into the 1730s (Koropec, 1991, 117). Maribor, already a centre of crafts and guilds in the Middle Ages, remained so in the early modern period. The town's life was dictated by the two main groups of townspeople, the merchants and the craftsmen or artisans, which is

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2 Cf. Grahornik (2025, 172–173), who besides this number also cites some lower figures.



*Fig. 1: View of Maribor from 1678 published by cartographer Georg Matthäus Vischer (Vischer, 1681, 199).*

also evident from the material under discussion. The craftsmen were the overwhelming majority in numbers, while the merchants usually represented the town's elite. It was the pursuit of a craft activity or the acquisition of a craft workshop that were important incentives for newcomers to come to Maribor, as will be seen from the presentation of the data. As this present study shows, bakers, leatherworkers, shoemakers, butchers, barrel makers, blacksmiths and tailors were present in Maribor as the strongest in numbers from the mid-eighteenth century onwards (Mlinarič, 1991a, 181–185). By that time, according to Slovenian historian Andrej Hozjan, the specialisation of the craft and service professions and the new needs of the burghers had become so diverse that there was even a watchmaker for small clocks and a watchmaker for large clocks in the town (Hozjan, 2006, 319). Maribor was also home to some nobles, the clergy and, of course, many servants. One of the defining features of Maribor has always been its rich diversity, encompassing social, ethnic, and cultural differences. Among the

languages spoken, German held the primary role, serving as the standard means of communication between different social groups. However, its dominance was mainly due to functional bilingualism or even trilingualism rather than monolingual usage. Most Slovene-speaking newcomers started assimilating linguistically as soon as they entered the town gates, gradually adopting German as their everyday language. According to Slovenian historian Boris Golec, the town thus acquired a distinctly German cultural character. By the late eighteenth century, Slovene had largely disappeared from public and religious spheres within the town, persisting only in the sermons delivered at the suburban Church of St Ulrich (Golec, 2003, 31–32). Not all challenges Maribor faced were demographic or cultural. Visitors complained about fetid gutters and slaughter offal in the lanes; even the 1600 Counter-Reformation Commission had commanded the council in its fourteenth article to remove every uncleanness that corrupts the air and breeds contagion. However, sustained investment in fortifications and a new bridge left precious little for drains, so epidemic scares continued well into the late eighteenth century (Hozjan, 2006, 316).

In summary, Maribor in the first half of the eighteenth century was a modest yet resilient town of crafts, strategically positioned, administratively reinforced, culturally pluralistic, and constantly negotiating a delicate balance between defence and economic growth.

### **The Parish of St John the Baptist Until the Eighteenth Century**

As Maribor's oldest continual religious institution – and today the cathedral seat of the Archdiocese of Maribor – the Parish of St John the Baptist provides a unique thread through which Maribor's political, social and demographic history can be followed from its medieval beginnings to the modern era.

The first firm proof of the parish's existence is a charter dated 1185–92 and another from 1189, both naming its parish priest Conradus (Mlinarič, 2006, 299); this fixes the latest possible date for its foundation, although most historians place its origins in the early to mid-twelfth century, when a freestanding baptistery closer to the Drava probably served the nascent settlement (Mlinarič, 1991b, 451; in greater detail in 1978, 120–193; for the beginnings of the Maribor parish with some new insights, cf. Ravnikar, 2024, 28–32). Although walled, Maribor was still a fledgling market centre (Ravnikar, 2023, 612–619), its parish reached west to the Črmenica brook and east to the Vurberk stream, while ecclesiastically it belonged to the Archdiocese of Salzburg and, until the reforms of Emperor Joseph II, to its archdeaconry 'Lower March'. Over time the vast territory fragmented. However, even after these excisions, the parish remained a mixed urban-rural entity whose income, stemming from vineyards above Melje, arable strips, more than twenty serf holdings and tithes in kind, enabled it to attract well-educated incumbents. Within and around the walls, three filial churches complemented the mother-church: St Ulrich in the Graz Suburb, Our Lady in the Carinthian Suburb, and the Holy Spirit chapel in the burgher hospital; the former synagogue, re-consecrated as All Saints after 1496, likewise remained active (Mlinarič, 2006, 302). Linguistic dual-

ity was apparent by 1600: a Slovene co-operator preached in St Ulrich's, while German dominated inside the walls; by 1739, Slovene catechesis met twice weekly during Lent, German every Sunday from Low Sunday to First Advent Sunday. The mentioned Easter roll lists 2,489 communicants against twenty-three abstainers (Mlinarič, 1991b, 471). Architecturally the Romanesque core received a Gothic presbytery (fifteenth century), a raised nave (1520), a belltower built 1623–24, and Baroque fittings such as the altar of St Florian and St Francis Xavier (Vidmar, 2009, 248, 251). These embellishments coincided with the steady arrival of craftsmen and journeymen whose marriages, recorded between 1700 and 1748, form the empirical heart of the present study. Thus, when the Künsperger siblings stood before the high altar in 1728, they entered a parish church nearly six centuries old, strategically sited at today's Slomškov trg, Baroque in dress and, after the plague losses of the 1680s, once again the demographic and spiritual core of Maribor.

## NEWCOMERS IN MARIBOR (1700–1748): EMPIRICAL ANALYSIS

### Newcomers in Numbers

During 1700–48, at least 401 newcomers from both immediate surroundings and more distant areas, forming core of our analysis, entered marriages in the Parish of St John the Baptist in Maribor. Altogether, 1,773 marriages are recorded during the same period, which means that newcomers were part of more than twenty-two per cent of them. However, at least 132 or almost a third of all recorded non-dwellers were from neighbouring parishes like Jarenina or Limbuš. These marriages involved individuals labelled as *advena* (newcomers or foreigners) or, as explained above, recorded with an external (non-Maribor) parish of origin.

*Chart 1: Share of newcomer marriages versus other marriages in the Parish of St John the Baptist, Maribor, 1700–48 (own elaboration; newcomers = 401, others = 1,372; 22.6% vs 77.4%; n = 1,773).*

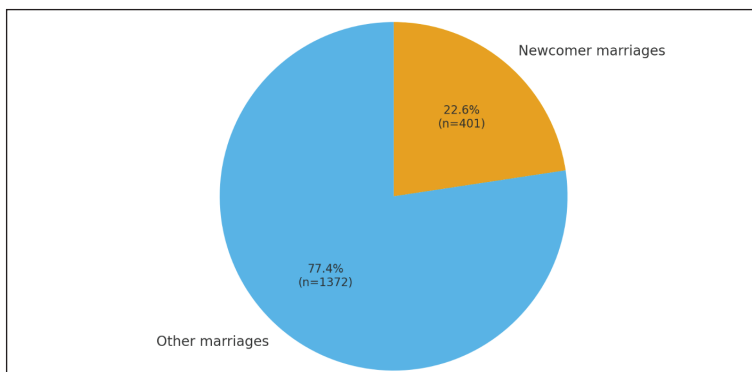
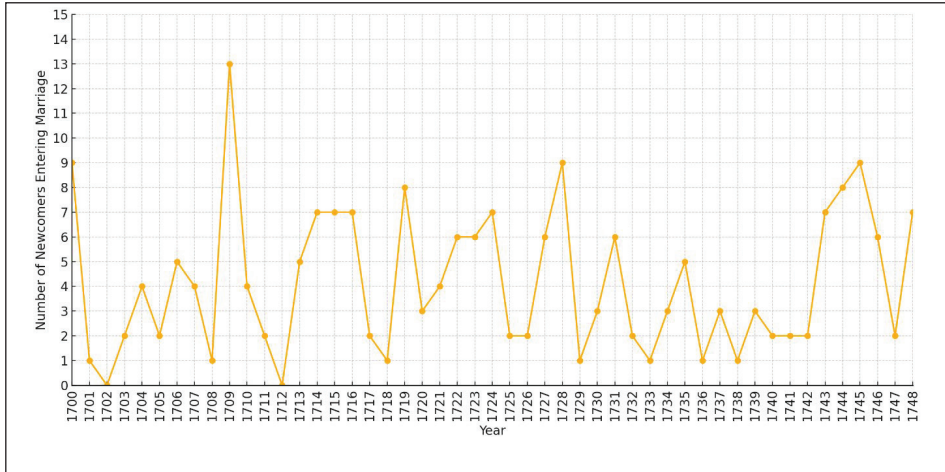


Chart 2: Number of recorded newcomers entering marriage in Maribor between 1700 and 1748 (own elaboration; data from Mlinarič, 2002).



The overwhelming majority of these newcomers were men; only 29 were women, reflecting the male-skewed long-distance migration typical of early modern urban influxes (Erickson & Schmidt, 2023, 164–199). Of note is the presence of nobles among the newcomers: although a small subset, eight of the recorded newcomers belonged to the nobility. The presence of nobility indicates that migration to Maribor was not limited to peasants or townfolk of modest means; members of the noble or gentry class also appear, albeit infrequently, seeking marital alliances in the town. Additionally, 148 non-Maribor men and women from the predominantly Slovene-speaking parts of Lower Styria entered marriages during this period.

On average, roughly eight to nine newcomers, including about five from outside the immediate neighbourhood, married into the community yearly, but the annual numbers fluctuated considerably, revealing interesting trends. In some years, few newcomers were recorded (e.g., 1702 saw zero such marriages), whereas other years witnessed pronounced spikes. The years 1700, 1709, and 1745 stand out with sixteen newcomer marriages – the high points of the period. These surges and dips suggest that broader external factors, such as wars, economic conditions, or epidemics, may have influenced migration to Maribor. For instance, the immediate decades after the devastating plague of 1680–82 were a time of population recovery for the town, and the data imply that when opportunities arose (such as vacancies left by deceased artisans or periods of post-crisis rebuilding), outsiders could arrive to fill those gaps. Conversely, during times of turmoil or uncertainty (e.g., the War of the Spanish Succession in the early 1700s or renewed plague scares), the flow of newcomers

could temporarily slow or halt. Thus, while a baseline trickle of newcomers per year sustained Maribor's demographic and occupational needs, periodic surges likely corresponded to post-crisis rebounds or specific economic pulls.

An important entry point for newcomers into the town society was to fill the gaps caused by the deaths of husbands or wives of burghers, as evidenced by our data. In approximately a quarter of all cases the bride was a widow, frequently of a deceased master artisan or craftsman. In contrast, only the cases where the groom was a widower reached less than half of this proportion. There were also a few cases where both the bride and the groom were already widowed. This further corroborates the aforementioned circumstance that it was easier for a male newcomer to establish himself in an early modern town or city.

### Geographic Origins of Newcomers

The marriage registers provide sufficiently rich information about the geographic origins of these newcomers, painting a picture of Maribor's catchment area for migrants. The data show that the individuals who married into Maribor's community between 1700 and 1748 came from a vast array of places, spanning local, regional, and even supra-regional origins. This diversity of origins gave the town a modest cosmopolitan character by eighteenth-century standards, even as most migrants came from relatively nearby regions.

By far the most significant number of newcomers originated in the Habsburg hereditary duchies of Inner Austria – particularly Styria (Štajerska) itself, more specifically Lower Styria, or the so-called Slovene Styria, as well as the neighbouring Carinthia (Koroška) and Carniola (Kranjska). The parishes from the immediate surroundings accounted for 132 newcomers, by far (and expectedly) the greatest single contingent, with Jarenina and Limbuš topping the list. Other towns of the present-day Slovenian part of Styria contributed further thirty-three persons, with Ptuj the most common place of origin of them. Among the towns of the predominantly German-speaking parts of Styria (the northern and western parts of Styria, in present-day Austria), the most important were (Bad) Radkersburg, Graz, and Leibnitz. Radkersburg – a border town south of Graz – contributed fifteen newcomers, the largest from outside the predominantly Slovene-speaking areas of Styria. Graz, the ducal capital of Styria, accounted for ten newcomers, and Leibnitz (a town just over the modern Austrian border, not far from Maribor) contributed seven. Maribor's role as a smaller urban centre under the orbit of larger towns like Graz is evident in this exchange: while some Styrians from the capital or other Styrian towns moved to Maribor (perhaps for specific jobs, guild positions or marriages), Maribor itself remained part of an urban hierarchy within Styria, generally receiving more migrants from rural hinterlands than from larger towns, as shown in Table 1. Several individuals from Carinthian towns and villages also turned up in Maribor's marriage register. For example, newcomers from Villach/Beljak or Klagenfurt/Celovec and others from smaller Carinthian locales are recorded. Carniola – the duchy to the

south (represented by its capital Ljubljana) – also appears in the data, though less prominently, indicating some southward ties.

In addition, Croatia and the Croatian Military Frontier supplied a share of Maribor's newcomers. The nearby Croatian towns of Varaždin and Zagreb stand out: Varaždin (an important military and administrative centre in the early eighteenth century) contributed eight newcomers, while Zagreb (the present-day capital of Croatia) contributed two. Several soldiers and officers from the Military Frontier – the border zone to the south staffed by a militarised population – appear as grooms in Maribor as well, presumably when their regiments or careers brought them north or when they retired and settled down with local brides. This military connection points to Maribor's strategic location on a corridor between the interior of the Habsburg Monarchy and its borderlands.

Turning to other Habsburg lands, there were several newcomers from Tyrol in the west, as well as from Upper Austria and Lower Austria (the Habsburg crownlands centred around Linz and Vienna, respectively). The imperial capital itself is explicitly listed as the origin for four newcomers. There was also a sprinkling of newcomers from the German-speaking lands beyond the Habsburg monarchy. The records mention places in Bavaria and Swabia (in what is now southern Germany). In addition, the data include individuals from Bohemia and Moravia (crownlands of the Habsburgs in present-day Czechia) and Hungary. These were in smaller numbers but demonstrate that Maribor was not entirely off the map for people



*Fig. 2: A map of Central Europe between 1783 and 1792 highlighting the territorial extent of the Holy Roman Empire, with particular focus on the Habsburg lands in the southeast and beyond imperial borders (denoted by the red line) (Wikimedia Commons).*

outside the Inner Austrian territory. Interestingly, no Italians are recorded among the newcomer brides or grooms in this period, even though Italian artisans and traders were present in Austrian lands even before the Baroque era – it seems Maribor did not attract any migrants directly from Italian states during these decades, at least not in large numbers. There is one newcomer from Savoy (the Savoy region, now France/Italy) and a few from Switzerland, showing the occasional reach of migration trajectories from more distant parts of Europe.

### Migrants From the Close Neighbourhood

As mentioned above, we also compiled data on migrants to Maribor from immediate surroundings. According to the data, some 160 immigrants came from other parts of this portion of the duchy outside Maribor. In other words, most migrants were ‘neighbours’ in a regional sense, hailing from towns and parishes of Lower Styria. This underscores that migration in this period was often a short-distance or intra-regional phenomenon: Maribor drew heavily on the surrounding predominantly Slovene-inhabited Styrian countryside and nearby market towns for the new workforce. Table 1 (compiled from the data) lists the most frequent places of origin for these migrants within Lower Styria.

*Table 1: The most common places of origin of migrants from close surroundings to Maribor (own elaboration; data from Mlinarič, 2002).*

Parish or Town	Number of Newcomers
Jarenina	44
Limbuš	36
Hoče	27
Ptuj	20
Slovenska Bistrica	8
Slivnica	8
Ruše	7
Svečina	7
Selnica	6
Sv. Lenart	5
Konjice	4

Within this influx from surroundings, specific communities stand out as significant sources. The parish of Jarenina topped the list, contributing forty-four individuals to Maribor through marriage. This striking number suggests a strong linkage between Jarenina and Maribor, possibly through kinship chains or an established movement tradition along that axis. A very important factor was that Jarenina was also a large parish at this pre-Josephine time. Following Jarenina, the neighbouring parish of Limbuš also shows similar pattern. Among the close urban centres, town of Ptuj (*Pettau*), another significant urban centre in Lower Styria, contributed the second-highest number of newcomers, with twenty individuals. These patterns suggest that Maribor’s migration field within Lower Styria was not uniform: a few places (especially Jarenina, Limbuš, Hoče and Ptuj) supplied a disproportionate share of migrants, perhaps due to their size, economic conditions, or social networks linking them to Maribor, whereas many other villages or towns contributed the odd individual or two over the decades. Indeed, beyond the top contributors listed above, the data include many smaller parishes and villages in Lower Styria that sent only very limited number of newcomers each.<sup>3</sup> This highlights how widespread the draw of Maribor was across the region.

3 Borl, Brežice, Destrnik, Hrastovec, Muta, Ribnica na Pohorju, Rogatec, Ruše, Spodnja Poljskava, Središče ob Dravi, Sv. Jakob v Slovenskih goricah, Sv. Ožbolt, Velika Nedelja, Vitanje, Voličina, Vurberk, and Zgoranja Poljskava.

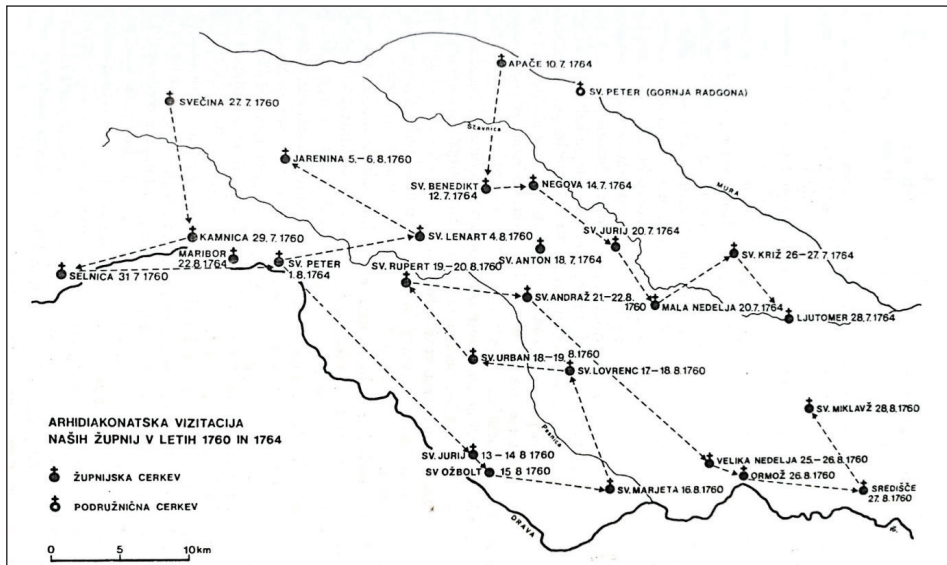


Fig. 3: Map of parishes in the predominantly Slovene-speaking parts of Lower Styria surrounding Maribor between 1760 and 1764 (Mlinarič, 1987, 59).

The presence of these far-flung or tiny locales in the data hints at individual stories: perhaps a miller's son from a distant village apprenticed in Maribor and married there, or a woman from a far parish went into domestic service in Maribor and found a husband. In aggregate, however, the dominance of nearby and larger communities (e.g., Jarenina, Ptuj) in the statistics highlights that migration was easier and more common from locations that were either geographically close or connected by trade routes and social networks. In contrast, migration from more distant parts of Lower Styria was rarer.

### **Newcomers' Occupations and Social Roles**

Beyond sheer numbers and origins, the social profile of newcomers, particularly their occupations, provides insight into how these outsiders integrated into Maribor's urban economy. The marriage records allow us to identify many newcomer grooms' professions or social roles (and a few brides). We have occupational information for 140 of the 203 newcomers from more distant areas (outside the Slovene-speaking Styria) and for only thirty-five of the 198 other newcomers from the closer surroundings. In the remaining cases, the individual's occupation was not recorded, which is often true for women – most brides did not have a listed status – and for some men of unclear status.

Analysis of these 175 newcomers (43.6% of all) with known occupations reveals that the majority were craftsmen and artisans, underscoring that Maribor's attractiveness lay in its economic opportunities in skilled trades. Dozens of the male newcomers were entering Maribor's guilds through marriage, effectively using wedlock as a pathway to establish themselves as master craftsmen in the town. The most common occupation among the newcomers was tailor – including master tailors and journeymen – with twenty-three individuals engaged in the tailoring trade. This indicates a strong demand for clothing and textiles in Maribor or perhaps a high turnover in that guild that required continual replenishment from outside. Tailoring was a ubiquitous urban craft in this era, and Maribor appears to have drawn many of its tailors from elsewhere (likely because the town could not produce enough trained tailors internally, or sons of local tailors might have died or moved away, opening slots for outsiders).

Merchants formed another significant category, twelve among the newcomers. While not as numerous as tailors, the presence of a dozen merchants (around seven per cent of those with known occupations) is quite notable – these would be individuals identified as *mercator* or *Handelsmann*, some of whom have been relatively prosperous since merchants belonged to the highest echelon of the urban strata during the early modern period. Unlike craftsmen, merchants did not need guild admission via marriage, but marrying into a local family could provide commercial connections or rights of domicile. The merchants among the newcomers underscore Maribor's role as a trading centre on the Drava river: it sat on trade routes between interior Styria and Hungary and Croatia and was a

market for regional agricultural produce and wine (Mlinarič, 1991a, 183–184). The fact that non-local merchants came and married in Maribor suggests that the town offered attractive commercial prospects and that its mercantile class was at least partly open to newcomers (perhaps to bring capital or links to other trade networks).

Among crafts, several other trades stand out. Leatherworking trades were well represented: for instance, tanners numbered nine (making tanning one of the larger occupational groups for newcomers) and related leather trades like saddlers and belt-makers counted four individuals each. If combined, the leather-related artisans would rival the tailors in number. This is not surprising, as leather goods (from harnesses to boots and belts) were in steady demand, and tanning was often an occupation passed through families – a newcomer tanner marrying a master's widow or daughter would be a typical mode of entry, as e.g., illustrated by many cases of changes in ownership of Maribor houses during the later part of the eighteenth century (for individual cases cf., e.g., Semlič Rajh, Oman & Mlinarič, 2012, 184, 187, 190). The data indeed strongly hint that vacancies left by the death of a master tanner or saddler were often filled by outsiders who married into the family business.

The baking trade was another common occupation: seven newcomers were bakers or baker's apprentices. Bread is a staple of urban life, and the bakery guilds likewise need a steady influx of workforce.

Similarly, the construction trades are represented: six individuals were either bricklayers or bricklayer's assistants, reflecting the ongoing need for building and maintenance in a growing town recovering from plague. Carpenters and related woodworkers (four carpenters and two turners) also appear, pointing to the building trades as a modest pull factor.

Various other artisan roles are present, usually with only two or three individuals per occupation, but together they illustrate the broad spectrum of skills newcomers brought. These include blacksmiths, surgeons, butchers, coopers, weavers, candlemakers, soap-makers, bookbinders, goldsmiths, and pharmacists. While just two to three newcomers represented each of these occupations, they collectively strongly imply that Maribor's economy in the first half of the eighteenth century was multifaceted, requiring various specialised services. In many cases, if a master craftsman in one of these trades had no local heir, the typical solution was to recruit a journeyman from another town to marry the widowed mistress or a daughter and inherit the workshop – thereby turning an 'outsider' into a new burgher of Maribor. Our findings support this pattern: For virtually every guild present in Maribor, one can find at least one example of an incoming marriage in these decades that most likely supplied a needed craftsman. On the other hand, there were at least four millers among the newcomers from the immediate surroundings of Maribor.

Beyond craftsmen and merchants, a distinct group of newcomers had military or administrative roles. Several soldiers, non-commissioned officers, and

military officials appear in the marriage register. These men likely came to Maribor via postings or after campaigns on the Hungarian or Balkan frontiers. Marrying a local woman might have been a way to retire into civilian life. The presence of military personnel among the newcomers reflects broader Habsburg patterns, where provincial towns often housed ex-soldiers who took up trades or jobs (sometimes as guards, clerks, or minor officials) and settled down.

Additionally, administrative and professional newcomers are noted. For example, there was a court glazier (an artisan attached to a noble or ecclesiastical court, indicating a high level of skill in glassmaking and art), a regimental juror (suggesting someone who had a legal or bureaucratic role with a military regiment), and a secretary of the Inner Austrian Government. The latter implies that at least one newcomer was a well-educated bureaucrat associated with the government (which sat in Graz) who, for whatever reason, ended up marrying in Maribor – perhaps he was assigned to a post in Maribor or married a local woman of status. These high-status or highly skilled individuals show that not all newcomers were modest craftsmen; a few were persons of considerable social standing or specialised expertise.

## CASE STUDIES

To humanise the above statistics and illustrate the newcomers' integration strategies, we turn now to three case studies of individual newcomers in Maribor. Each of these cases has been selected for its illustrative value and uniqueness: one highlights the mobility of skilled artisans and how migrant craftsmen could establish themselves in a new town, another exemplifies family-based migration chains, and the third sheds light on the challenges of interfaith marriage in a Catholic town. By examining the personal stories of Joseph Straub, the Künsperger siblings, and David Mayer and Margarita Krauss, we can see in microcosm how 'outsiders' became 'insiders'.

### **Joseph Straub: An Artisan's Trajectory**

One of the most remarkable newcomer stories of the period under consideration is that of Joseph Straub, a talented Baroque sculptor whose journey reflects the movement of artisanal skills across regions. Straub married into the Maribor community in 1746, and his life and work left a lasting imprint on the town. On June 27, 1746, Joseph Straub wed Maria Josepha Cowalter, the daughter of a Maribor merchant, at St John's parish church (Mlinarič, 2002, 235–236). This marriage tied Straub to a local family of status and likely provided him the civic rights of a burgher and the patronage network needed to thrive in Maribor.

Joseph Straub's origins and career before Maribor exemplify the wider geographic orbit of skilled craftsmen in the eighteenth century. He was born in year 1712 into a renowned family of sculptors in Wiesensteig in the Duchy



*Fig. 4 and 5: The Plague Memorial in Maribor (photos: David Hazemali, 2025).*

of Württemberg, in today's Baden-Württemberg, Germany. The Straub family produced several notable artists: Joseph's eldest brother, Johann Baptist Straub, became a famous sculptor in Munich (München) and elsewhere in Bavaria, and another brother, Philipp Jakob Straub, achieved prominence in Graz and elsewhere in Styria. Although little is known about Joseph's early life, it is assumed he first honed his skills in his father's workshop before training with Philipp Jakob in Graz. By the mid-1730s, we find Joseph in Ljubljana, working as an assistant to the eminent Carniolan Baroque sculptor Heinrich Michael Löhr. His presence in Ljubljana indicates that Straub was already moving within the Habsburg hereditary lands in search of opportunities.

Straub's path to Maribor was paved, so we assume, by a professional conflict. While in Ljubljana, the young sculptor attempted to take on independent commissions, which led to a guild dispute – as a newcomer and non-master, he

was encroaching on the local guild's privileges. This dispute apparently made further work in Ljubljana difficult for him. Consequently, Joseph left Ljubljana and, indeed, dwelt in Vipava during the years 1737 and 1738. In 1741, he signed two statues in Štanjel, according to Blaž Resman (Resman, 1998, 56). Joseph's first recorded activity in Maribor is in 1743, where he is noted as a participant in the creation of the town's monumental plague column. This Baroque pillar, erected as a votive monument of thanks for deliverance from an outbreak of plague, is one of Maribor's most famous landmarks. Straub worked on it alongside his brother Philipp Jakob Straub (who was a well-established Graz sculptor by then) and another artist, Joseph Hoffer (Curk, 1986, 296–297). Although art historians debate the attribution – some recent scholarship tends to credit Philipp Jakob as the primary author of the Maribor plague column – Joseph Straub's involvement is documented, and his artistic influence is evident in the intricate sculptural details (Kostanjšek Brglez & Roškar, 2019, 11).

Joseph Straub enriched the region's artistic heritage during his time in Maribor (he lived on for only ten years after marriage, passing away in 1756) (Vrišer, 1957, 85). Aside from the plague column, he is credited with crafting the large high altar of St Joseph's Church (whose surviving saint figures now grace the Regional Museum of Maribor) in Studenci, a suburb of Maribor, and the once-high altar of the Minorite church in Ptuj, destroyed during the Second World War but known from period engravings (Kostanjšek Brglez & Roškar, 2019, 4–5). Joseph adorned civic staircases and façades with stone reliefs, producing smaller sculptural details for numerous church interiors and exteriors. He also received commissions from beyond Maribor – for other churches in Styria, Croatia, and Hungary – underscoring that he was a trans-regional artisan whose reputation extended across borders (Jurič, 2020).

Joseph Straub's story encapsulates the journey of a highly skilled newcomer: he arrived with valuable human capital (artistic skill and experience from abroad), integrated through what seems a strategic marriage, and in turn left a legacy that blended external influences with local culture. His case also highlights the artisan network concept – Joseph was part of a network of craftsmen and apprentices moving through Central Europe. Cities like Maribor benefited from this network by absorbing talent cultivated in larger artistic centres. In theoretical terms, Straub's integration demonstrates how migrant artisans could leverage guild connections and family alliances to establish themselves, thereby reinforcing the town's economic and cultural vibrancy.

### **The Künsperger Siblings**

Migration often ran in families. A striking example from the Maribor marriage records is the story of the Künsperger siblings, a brother and sister who married on the same day. On 21 September 1728, the Parish of St John the Baptist witnessed this unusual double wedding that underscores how kinship

ties could facilitate newcomers' social insertion (Mlinarič, 2002, 135).

Joseph (Josephus) Künsperger, a belt-maker by trade, came from Leibnitz, a town in the Styrian region just over today's Austrian-Slovene border. In a single ceremony (recorded sequentially in the marriage register), Joseph married Maria Katharina (Catharina) Korper, the daughter of a Maribor foundry-master, and Maria Rosalia Künsperger, Joseph's sister, married Franz Xaver Eisner, a jeweller from Graz. We do not know whether Maria Rosalia still lived with her father in Slovenske Konjice until that point and whether Franz Xaver was already stationed in Maribor. This apparently coordinated marriage event is remarkable on several levels. First, it highlights a family-based migration strategy: the brother and sister likely came to Maribor together, perhaps with one sibling's opportunity paving the way for the other.

The Künsperger double marriage underscores the social importance of family ties in migration. Siblings or other relatives often migrated in groups or chains, providing mutual support in an unfamiliar town. For Joseph and Maria Rosalia, having each other in Maribor could ease the transition – they each had a trusted family member close by as they entered new marriages and households. Their story also shows how newcomers could quickly become 'insiders': with that single entry in the register, Joseph went from being a foreign belt-maker (*advena*) to a Maribor son-in-law and prospective guild member (as marrying a master's daughter likely enabled him to join the local guild of leatherworkers). Likewise, Maria Rosalia instantly became the wife of a local (though her husband Franz Xaver Eisner was himself an outsider from Graz, he presumably settled in Maribor as a jeweller). The Künspergers thereby planted new roots in Maribor's burgher class through a synchronised family endeavour.

Tragically, these promising new beginnings were not without hardship. We know that Joseph's wife, Maria Katharina, died by 1734, a few years into the marriage – a reminder of the high mortality and personal challenges that often punctuated these lives. Joseph Künsperger was thus widowed relatively young. He remarried to Maria Rosina Haller on 25 January 1735 (Mlinarič, 2002, 171).

From a broader perspective, the Künsperger siblings illustrate chain migration and the role of kin networks: their case is an example of how one family's migration could multiply the impact on the host community (two marriages instead of one) and how newcomers could rely on each other as they assimilated.

### **A Rare Interfaith Marriage: Confessional Negotiation**

In the late sixteenth century, the Protestant Reformation gained traction in Inner Austria, particularly in Graz and Ljubljana, but also in Maribor, although it was soon countered by the Habsburg Counter-Reformation. Ferdinand II, who succeeded Archduke Charles II in 1595, over the following five years abolished Protestant institutions, expelled Protestant clergy, and forced citizens to either convert or leave, leading to significant emigration from Styria in the

early 1600s, although most Maribor Protestants seem to have converted rather than left (Pörtner, 2001; Oman, 2018; 33; 2020, 332). Early eighteenth-century Maribor was consequently a staunchly Catholic environment. In this context, marriages across confessional lines were exceedingly rare and required special dispensation. One of the most intriguing newcomer cases in the marriage register is precisely such an instance: an interfaith (mixed-denomination) marriage that took place in 1723.

On 7 May 1723, David Mayer, a Lutheran from Stuttgart in Württemberg, married Margaritha Elisabetha Krauss, a Roman Catholic widow from Cologne (Köln). Both bride and groom were newcomers to Maribor – one from a German Protestant state, the other from a Rhineland Catholic city – making their union in Maribor all the more extraordinary. At the time, a marriage between a Lutheran and a Catholic in Habsburg territories required explicit permission and was governed by strict conditions to ensure Catholic dominance was not threatened (Leeb *et al.*, 2003). Maribor's church and civil authorities allowed this marriage, but not without clear stipulations. David Mayer, the groom, had to agree to specific terms before the marriage could proceed formally. Specifically, he was required to raise all future children of the marriage in the Catholic faith and promise not to 'corrupt' his wife in religious matters (Mlinarič, 2002, 108).

These conditions were standard for mixed marriages in post-Counter-Reformation Inner Austria: The Catholic Church insisted that children be brought up Catholic to prevent the loss of souls (and demographic strength) to Protestantism. The promise not to 'corrupt' the wife directly reflects Catholic authorities' fears during this era – essentially, Mayer had to vow not to attempt to convert Margarita Elisabeth to Lutheranism or undermine her Catholic practice. The phrasing of 'not corrupting' could also be interpreted more generally as a pledge to treat her well and not lead her into sin, but given the context, the primary concern was most likely religious.

It is worth noting that David Mayer's own faith had limited scope for expression in Styria at the time. In 1723, Protestant (Lutheran or Calvinist) worship was still officially forbidden for commoners in Inner Austria, as the Edict of Tolerance that granted limited rights to non-Catholics would only come much later, in 1781 under Joseph II) (Leeb *et al.*, 2003, 278). Thus, David Mayer could not legally practice Lutheranism openly in Maribor. The requirement that the children be Catholic and the implicit expectation that David himself would not openly act as a Lutheran meant that, for the authorities, the mixed marriage would result in no net gain for Protestantism – on the contrary, it would absorb a Protestant individual into the Catholic fold (at least socially, if not through formal conversion) (Leeb *et al.*, 2003, 290).

This marriage between Mayer and Krauss is one of only a few such cases recorded, highlighting its unusual nature. It demonstrates that while Maribor's populace was overwhelmingly Catholic, the town was not entirely closed to

Protestants. Under certain circumstances, a Lutheran could be tolerated, especially if he was willing to comply with the existing rules regarding public expressions of faith. Perhaps Mayer's skills or status made him a desirable addition to the community (unfortunately, the records do not specify his occupation; if he was a merchant or artisan of talent, that might have helped). Margarita Elisabeth's situation as a widow might have also played a role: as a Catholic widow, she would have needed permission to marry a non-Catholic, and the fact that it was granted suggests that the church hierarchy assessed the situation and found it manageable with the given conditions.

## CONCLUSION

The evidence assembled in this study paints a vivid picture of Maribor as a town importantly marked by newcomers in the early 1700s. In the wake of the devastating late seventeenth-century plague, which had gravely reduced the local population, Maribor's recovery was neither solely natural nor accidental – it was fuelled in considerable measure by in-migration. Our analysis of the marriage registers shows newcomers were in many cases not peripheral actors; they were crucial to repopulating workshops, filling market niches, and forging new social ties in the community. Year after year, a baseline trickle of newcomer brides and grooms (punctuated by surges after crises) became new burghers of Maribor. Between 1700 and 1748, at least 401 of the 1,773 recorded marriages (22.6%) involved at least one newcomer. This finding reinforces a key theme in pre-industrial urban history: towns could not maintain themselves without migrants since deaths often outnumbered births in towns. Maribor's case exemplifies this dynamic on a smaller scale – the town actively absorbed 'outsiders' to sustain its demographic and economic vitality.

A significant conclusion of this research is the critical role of marriage as an integration mechanism. Marriage provided a structured, socially sanctioned pathway for 'outsiders' to become 'insiders'. By marrying into (often established) local families – frequently the households of guild masters or merchants – newcomers could gain immediate access to privileges that might otherwise take years to earn (or be impossible to attain). The data strongly suggest that many guilds in Maribor effectively welcomed new masters through marital ties. For example, widows of craftsmen found new husbands from outside who could continue the family trade, and guilds accepted these outsiders by their new kinship. This reflects a broader pattern observed in European towns: marrying a master's daughter or widow was a well-trodden avenue to guild membership (Prak *et al.*, 2018). Our findings align with studies elsewhere, showing that affinal ties (sons-in-law, second husbands of widows) often made up a substantial share of new guild members (Kaufhold, 1980, 254). In Maribor, virtually every craft, from tailoring and tanning to baking and smithing, shows likely evidence of this refresh mechanism, whereby an infusion of external talent via

matrimony kept the guild workforce and urban economy going. Thus, marriage in early modern Maribor was not merely a private affair; it was a key institution for urban renewal, ensuring continuity in the face of labour shortages and transmitting skills across generations and geographies. The three case studies help humanise and, at the same time, corroborate these findings.

It must be acknowledged that the evidentiary scope of this article is intentionally bounded. Owing to time constraints and source coherence, we rely primarily on the marriage register. A systematic comparison with additional parish and civic registers and related sources (cf. Curk, 1985) could corroborate or qualify our findings and enable a deeper reconstruction of newcomers' life courses. Such triangulation would also clarify how many individuals recorded as newcomers or foreigners in our primary source settled permanently in Maribor and contributed to its eighteenth-century economic and social life. Extending the corpus, ideally to baptismal and burial registers in home parishes, would further enrich the analysis, although surviving materials for this period are often fragmentary. These extensions lie beyond the present study's design. Within the parameters defined here, the evidence – although provisional and in need of further corroboration – still supports our central claims; future work may broaden the source base to refine them.

## PRISLEKI V MARIBORU V PRVI POLOVICI 18. STOLETJA V POROČNIH KNJIGAH ŽUPNIJE SV. JANEZA KRSTNIKA

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### POVZETEK

*Prispevek obravnava vlogo priselkov v Mariboru v prvi polovici 18. stoletja na osnovi analize poročnih vpisov v matične knjige župnije sv. Janeza Krstnika. Raziskana je 401 poroka, sklenjena v letih 1700–1748, pri katerih je imel vsaj eden od zakoncev – prislelek, dokumentiran izvor zunaj Maribora. Poudarek je na župnijah izven neposredne mariborske okolice. Po tej logiki smo še posebej natančno obravnavali tiste, ki so se rodili v nemško govorečih delih Štajerske. V raziskavo smo zajeli tudi posameznike, ki so že živeli v Mariboru, a je bilo njihovo zunanje poreklo posebej omenjeno v poročni matični knjigi. Obenem smo evidentirali tudi priseljence v mesto Maribor iz neposredne soseščine. Raziskava, ki temelji na kvantitativni obdelavi poročnih registrov in izbranih študijah primerov, ponuja precej možnosti za sklepanje o obsegu, socialnem profilu ter poteh oziroma strategijah integracije teh priselkov v mariborsko družbo. Ugotovitve kažejo, da je bil dotok novih prebivalcev prek porok v prvih letih osemnajstega stoletja vejetno še pomemben za demografsko obnovo Maribora po opustošenju zaradi kuge v letih 1680–1682. Številni priseljenci so se v Maribor očitno vključili tako, da so se poročili s hčerami ali vdovami domačih mojstrov in obrtnikov. Poroka se je torej marsikdaj izkazala kot osrednji integracijski mehanizem – družbeno priznana pot, po kateri so se »tujci« spremenili v »notranje« člane mestne skupnosti. Tako so bili prisleki pogosto ključni pri zapolnjevanju delavnih mest v obrtnih delavnicah in pri gospodarskem oživljanju mesta. Sklepne ugotovitve poudarjajo, da je bilo vključevanje priseljencev v mariborsko mestno družbo v prvi polovici 18. stoletja v veliko primerih zavestno in učinkovito – mestne oblasti in skupnost so »tujce« prek porok uspešno pretvarjale v trajne člane, kar je mestu omogočalo obnovo in razvoj. Študija tako osvetljuje pomen migracij in mobilnosti za urbano demografijo v zgodnjem novem veku ter dopolnjuje razumevanje integracijskih procesov v srednjeevropskih mestih.*

*Ključne besede: Maribor, Štajerska, prisleki, migracije, poroka kot integracijski mehanizem, zgodnjenovoveška urbana demografija*

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