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THE ORIGINS OF KAZIMIERZ (OUTSIDE CRACOW) TRACED IN SANDOMIERZ

Abstract

The 1335 foundation (chartering) of Kazimierz, the town situated beside Cracow, was a difficult venture as a group of settlers had to be brought from another strong urban centre. Owing to the memory of the rebellion led by alderman (vogt) Albert and due to the political situation, Casimir III the Great most probably sought assistance from the town of Sandomierz in an attempt to find an optimum solution. This supposition is confirmed by the fact that the king favoured the town after 1335 and, even more importantly, that the foundation charter and one of the first documents for the new commune were issued at Sandomierz. A close relationship between Sandomierz and Kazimierz is observable for the subsequent years.

Keywords: Kazimierz (outside Cracow), Sandomierz, Cracow, foundation of town, Middle Ages

The foundation of the town of Kazimierz in 1335, near Cracow, was an extraordinary venture. In the lands subject to the rule of King Casimir III the Great (Kazimierz III Wielki) only once had a new commune situated beside another, existing one, been chartered before then – in a quite peculiar situation, in fact. In Poznań 1288, Duke Przemysł II allowed the local bishop to restore the urban status to Śródka – a settlement that initially was chartered as a ducal unit and subsequently was removed to the other bank of the Warta River. The undertaking yielded no spectacular effect, though. In 1328, shortly before the commune outside Cracow was set up, the settlement was small and semi-rural.¹ While New Towns were founded here and there across

¹ *Kodeks dyplomatyczny Wielkopolski*, ii: 1288–1349 (Poznań, 1878), no. 625, 1089; Marek Słoń, *Miasta podwójne i wielokrotne w średniowiecznej Europie* (Wrocław, 2010), 124 ff.; Paweł Dembiński, 'Śródka', in *Słownik geograficzno-historyczny województwa poznańskiego w średniowieczu*, Part 5, 1 (Poznań, 2011), 96 ff.

of Central Europe still in the third quarter of the thirteenth century, such ventures were undertaken very rarely in the period preceding Casimir's coming to the throne. Most of the scarce examples from the 1290s appeared in Silesia. The New Town of Wrocław (the largest of Silesia's New Towns),² had already been absorbed by the older commune. Other such attempts, made in a similar manner – small centres primarily designed for weavers – simply failed (the case of Racibórz) or proved very weak. Two other Silesian New Towns at Świdnica and Głogów were liquidated after 1335 – in 1336 and 1337 – and it is hard to assume that they were in a flourish on the eve of liquidation. They were certainly small and unfortified, and without even a central square, whereas the 'foundation programme' boiled down to making the settlement colligated with the already-existing multifunctional local or nearby church.

King Casimir's design that emerges from the documents conferred upon the commune situated near Cracow, its spatial form and the foundations undertaken there, proves to have been completely different compared to those midget towns. The area originally designed for chartering, in 1335, is not exactly known. Together with the village of Bawół, added somewhat later, the approximate area of the town was 50 hectares – more than any other town in Lesser Poland (Małopolska), save for Cracow. The right to possess a scales-house (to weigh metals with), bestowed in the foundation charter, attests to the planned commercial functions. A cloth-cropping house meant that it certainly was not to be a single-function settlement of weavers only but rather a hub where cloth, manufactured locally and outside Kazimierz, would be prepared for export purposes. That the role of weaving trade in the new commune was limited is confirmed by the later dominance of butchers, rather than weavers, in the local crafts. Although two churches stood within the town's area, with a third joining soon afterwards, the king additionally founded a flamboyant parish church and a mendicant convent. Casimir the Great was building a large city indeed.³

Within the decade preceding the foundation of Kazimierz, only two New Town foundation projects were delivered in Central Europe

² Słoń, *Miasta*, 18.

³ Sławomir Gawlas, 'Uwagi o polityce miejskiej Kazimierza Wielkiego', in Halina Manikowska *et al.* (eds.), *Aetas media, aetas moderna. Studia ofiarowane profesorowi Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin* (Warszawa, 2000), 40–1.

– namely, those of Kneiphof in Königsberg, 1327, and Freiheit in Kassel (1330). Both ventures were pursued with a flourish in the key centres of the Teutonic State and in Hessen, and were strongly connected with the rebuilding of the entire state – exactly as was the case with Cracow.⁴

It is worth to refer at this point Marcin Starzyński and Michał Schmidt's statement that Kazimierz was a weavers' town.⁵ This can be considered true if 'weavers' town' would mean a centre where manufacture of cloth played an important role, the necessary equipment was in place, the guild was one of the strongest in the commune and the presence of its members was taken into consideration when designing the town's layout. But such characteristics are attributable to most of the period's foundation projects. These were fairly typical earmarks for an average-sized Central European town in the fourteenth and fifteenth century. Hence, regarding such a type as distinct and naming it 'weavers' does not seem to be legitimate – all the more that towns existed in that time and region for which manufacture of cloth was a *raison d'être*: such towns were established in order to replace dispersed countryside manufacturing with production concentrated in the town, and were dominated by a single profession in such a way that weavers formed an absolute majority among the local craftsmen. Hubs of this sort had an untypical spatial shape and church base.⁶

Contradicting opinions have been formulated on the earlier population of the chartered area of Kazimierz and on the profile and scale of economic activity of its former dwellers. The main argument in support of Jerzy Wyrozumski's opinion⁷ whereby the local settlement was "of an urban character in terms of economy, at least partly" was based on analysis of the deed (or diploma) of foundation dated 27 February

⁴ Słoń, *Miasta*, 285–316, 387–416.

⁵ Michał Schmidt and Marcin Starzyński, 'Nowe miasto tkackie? Szkic do dziejów społeczno-gospodarczych podkrakowskiego Kazimierza', *Kwartalnik Historii Kultury Materialnej*, lxiii, 1 (2015), 15–26.

⁶ Słoń, *Miasta*, 145–89.

⁷ Bożena Wyrozumska (ed.), *Przywileje ustanawiające gminy miejskie wielkiego Krakowa (XIII–XVIII wiek)* (Kraków, 2007), 27; Jerzy Wyrozumski, *Kraków do schyłku wieków średnich* (Kraków, 1992), i, 240; Starzyński repeats and complements these arguments in *Średniowieczny Kazimierz, jego ustrój i kancelaria* (Kraków, 2015), Monografie Towarzystwa Naukowego "Societas Vistulana", iii, 23–31.

1335⁸ whereby the town was established ‘from scratch’ (“*de novo ... incepimus locandam*”).⁹ The phrase *de novo* is ambiguous, as it might mean that a thing did not exist before or has been renewed; or, it may emphasise the very existence of a thing from a given moment, thus referring to the afterwards.¹⁰ Of the three different meanings of the Latin term, only one points to a renewal of the chartering. Let us pursue this path of investigation, though. And, let us add, straight away, another argument proposed by Wyrozumski and referred to by Starzyński as well. The charter was bestowed on the locally residing burghers (“*civibus eiusdem ibidem commorantibus*”). Does this testify to a trade-oriented settlement existing in the isle of Kazimierz before 1335, without the appropriate legal act? Certainly not. These source terms refer, after all, to an action and a legal status. The legal act referred to as foundation was apparently carried out anew, targeted not at craftsmen but at the *cives* – i.e. citizens of the urban commune. The arguments proposed by the Cracow-based historians would therefore point to some earlier privilege or charter; such an option cannot be precluded indeed. Establishment of so big a city, beside a much larger hub, was an extraordinary challenge that might have required several attempts and corrections of the legal regulations made in rapid succession. Yet, the phrasings used in the diploma do not make such a guess legitimate – as has already been proved with regard to the phrase *de novo*. The present participle, present tense of the verb *commorare* – i.e., *commorantes* – used in the text indicates that the status of the ‘target group’ appeared at the same time as the rights bestowed upon them, rather than as the moment the diploma was issued. The point is not that the granted privileges were vested in the citizens dwelling in Kazimierz at the moment the legal action was performed: they were vested in those who would reside there, holding the commune’s citizenship. What the document provided for was meant to last ‘for all eternity’, pertaining to all the future burghers of Kazimierz. The phrasings used in it neither preclude nor confirm that craftsmen or urban citizens were present at the moment of the chartering.

⁸ *Kodeks dyplomatyczny miasta Krakowa*, Part 1: 1257–1506, ed. by Franciszek Piekosiński (Kraków, 1879), *Monumenta Medii Aevi Historica Res Gestas Poloniae Illustrantia*, v.

⁹ Wyrozumski, *Kraków*, 240.

¹⁰ *Słownik łaciny średniowiecznej w Polsce*, iii (Wrocław, Warszawa and Kraków, 1969), 303.

Starzyński complements the arguments of his master by adding circumstances related to the drapery in Kazimierz. He tried to demonstrate that the trade was developed there before the foundation. Cloth frames are confirmed for Kazimierz in the year 1369, a fact that “indicates that they were indisputably used in Kazimierz much earlier on, most probably in the time preceding the foundation”.¹¹ The source-based attestation for the said year, if considered credible, only testifies to the fact that the appliance existed in that year, or perhaps somewhat earlier too; it does not make the transference of these conjectures into a more remote past – notably, the time before the town was established – any legitimate. A more important guideline is the mention of a single commodity manufactured at that place, in which the burghers were allowed to trade. To Starzyński, this highlight attests “that, indisputably, cloth manufacture must have been developing in these suburban communities at the time”.¹² This reasoning neglects, however, the role the trading in cloths played in the fourteenth century: cloth was not just one among the many goods but the major one, of essential importance to the development of craftsmanship and money-goods economy that yielded the greatest income and was most strictly regulated.¹³

According to Starzyński, the view that an urban settlement had existed in Kazimierz before the foundation has been shared by Wanda Konieczna; he evidences the similarity of views with a relevant citation.¹⁴ Konieczna writes about the transformation of the settlement located around the area named Skalka, and how it was organised anew, internally and externally. Yet, she repeatedly makes it plain that the place’s character changed from rural to urban, and that there is no reason whatsoever to suppose that a town existed there before the chartering: “While there is no mention regarding Kazimierz that would date to the year 1335, let us remark once again that the history of Kazimierz near Cracow begins with the year 1335”.¹⁵

Let us notice that the arguments proposed by this scholar are somewhat tortuous. Together with Michał Schmidt, he defends the

¹¹ Starzyński, *Średniowieczny Kazimierz*, 36.

¹² *Ibid.*, 26.

¹³ Słoń, *Miasta*, 145–50.

¹⁴ Starzyński, *Średniowieczny Kazimierz*, 24; Wanda Konieczna, ‘Początki Kazimierza (do r. 1419)’, in *Studia nad przedmieściami Krakowa* (Kraków, 1938), 20.

¹⁵ Konieczna, ‘Początki’, 18, 20, 21 (quotation).

statement that Kazimierz was established with a purpose to develop the cloth production, and opposes this to the craft's history in the Old Town commune where its emergence "never bore a trace of purposeful action".¹⁶ In parallel, the scholar argues that drapery was developed in Kazimierz before the foundation; the latter marked the granting of rights to a settlement that had already got formed as an urban unit. Consequently, the emergence of craftsmanship in Kazimierz preceded King Casimir's deliberate action. This author enters a minefield, again, when setting the role of the cloth-cropping house in Kazimierz and its Cracow counterpart. In his view, the former would testify to an amplified local output – as opposed to the latter, where imported goods were processed. Since, however, such was the function of the appliance in Cracow, the same might have taken place – be it on a smaller scale – in the commune of Kazimierz as well.

Wyrozumski admits that the regularity of the area's layout suggests that there were no earlier stone or brick objects existing there before, such that would have forced adaptation to them. Hence, the town was founded, virtually, *in cruda radice* (i.e. in an area free of any older settlement): its establishment gave birth to a completely new urban centre, rather than bestowed the right on an earlier existing developed area. In the first place, however, regardless of whether a settlement with a function other than agricultural had existed there before or not, it would not have given sufficient foundation for a venture as large as the one undertaken by the king in 1335. He would not count on its autonomous, grassroots and spontaneous development. The new commune had to be guaranteed a strong start and reliable foundations for its future development.

As Cracow was situated next to the area, the venture was more difficult to plan and foresee. Whereas the potential of the capital metropolis attracted new settlers, it was an obstacle, on the other hand, as it had monopolised the inflows of people, goods, and capital. The chartering of New Towns was coupled with the ban on admitting in them new dwellers of the neighbouring commune of the Old Town. The ruler pursued the new project not in order to suck out the powers of the old and well-functioning one.

The initiative group was the key element. In the foundations carried out in the area of Poland in the thirteenth century, the charter was

¹⁶ Starzyński, *Średniowieczny Kazimierz*, 36.

usually received by the settlement official, i.e. founder (Pol. *zasadźca*) and it was him who was responsible for bringing along a team of people adequate in size, financial strength and qualifications. The team was tasked with activating a new organism in the form of urban commune which was to subsequently attract more settlers, whether individuals or families. In the earlier foundations made in the Polish territory, the founders and their accompanying teams would usually come from the West and spoke German. In the latter half of the thirteenth century, many Silesian centres were large and powerful enough to be able to export such germs of new urban units. Their ethnic profile would not alter, remaining vastly dominated by the German element. In Lesser Poland, Cracow definitely had such a potential; this was confirmed by, among other things, the dominant participation of Cracovians in Sandomierz founding and chartering. Zbigniew Morawski, a scholar specialising in the history of Sandomierz, associates the circumstances in which the commune was established in 1286 with the later contacts between the two urban centres and comes to the conclusion that “the commune of Sandomierz was, to a degree, a colony of Cracow”.¹⁷

On establishing a big town, the king had to import an initial group of burgher founders, corresponding with the town’s projected rank. Otherwise, the investment project, undertaken with considerable financial effort, would have ended up in a failure. As we know, no failure occurred. Kazimierz developed resiliently and soon became one of the strongest urban centres of the Kingdom of Poland.

The selection of a centre that could replenish the new commune was not easy this time. There was a number of strong towns in Silesia, Bohemia, or in the State of the Teutonic Order. All these territories, however, were ruled or strongly influenced by malevolent opponents of King Casimir. The ethnicity question was not to be underrated, either. Twenty-odd years – a generation – had passed since the rebellion led by alderman (vogt) Albert; witnesses of these events were still alive. However, the king himself did not remember them. His own image of the situation was shaped by the memory of the occurrence as formed and preserved in Cracow circles after the rebellion’s suppression. The closest testimonies to the events, such as Władysław I the Elbow-High’s (Władysław I Łokietek’s) document referring to a betrayal of the

¹⁷ Zbigniew Morawski, ‘Sandomierz od końca XIII do początków XV wieku’, in *Dzieje Sandomierza*, Stanisław Trawkowski (ed.), i: *Średniowiecze* (Warszawa, 1993), 120.

Polish nation or the altered language of Cracow municipal registers¹⁸ attest to the direction adopted by the ruler and his environment – namely, an ethnic conflict. The monuments made in the subsequent years testify to a strongly-founded tradition.¹⁹ The growing power of the Luxembourg dynasty fed the fears concealed behind these texts. Although the actual significance of the Polish-German conflict in alderman Albert's rebellion has aroused controversy among scholars,²⁰ it did not inform King Casimir's decisions: the decisive factor was the image of the occurrence established over the past twenty-or-so years. The conviction that the young ruler did not want to use the town's chartering as a means to reinforce the importance of the German burghers at the foot of the Wawel hill has a legitimate foundation.²¹ The very idea of founding a New Town, instead of extending the Old one, also served as a measure of preventing the scenario from the earlier generation from repeating. The potential of the Cracow agglomeration was to grow, at a possibly fast pace, but a parallel strengthening of the political power of the Cracow town council was nowise welcome. Quitting the hereditary aldermancy or vogtship in the new commune was a clear testimony of memory of the rebellion's experience.²² The design, in its entirety, was an artful combination of carefulness and consideration, on the one hand, and the impetus with which the new trails were blazed.

The king needed a founding group that would not be associated with the German ethnos nor with the circle of Bohemian or Teutonic influences, whilst being ready to embark on the difficult task, although there

¹⁸ *Kodeks dyplomatyczny klasztoru tyńieckiego*, Part 1, ed. by Wojciech Kętrzyński (Lwów, 1875), 41; *Najstarsze księgi i rachunki miasta Krakowa od r. 1300 do 1400*, ed. by Franciszek Piekosiński and Józef Szujski (Kraków, 1878), 28.

¹⁹ 'Rocznik kapituły krakowskiej', in Zofia Kozłowska-Budkowa (ed.), *Najdawniejsze roczniki krakowskie i kalendarz / Annales Cracovienses priores cum calendario*, Monumenta Poloniae Historica, series nova, v (Warszawa, 1978), 104; Wojciech Mrozowicz, 'Pieśń o wójcie krakowskim Albercie – przekaz historyczny w poetyckim sztafażu', in Jerzy Rajman (ed.), *Bunt wójta Alberta. Kraków i Opole we wzajemnych związkach w XIV wieku* (Kraków, 2013) / *Annales Universitatis Paedagogicae Cracoviensis. Studia Historica*, xiii, 32–42, with references to earlier literature and discussion on the present edition.

²⁰ Anna Grabowska, 'Bunt wójta Alberta w historiografii polskiej', in *Bunt wójta Alberta*, 19–31.

²¹ Wyrozumski, *Kraków*, 210–11.

²² *Ibid.*, 240.

was no office of alderman, with its emolument, in place. He simply had to look for the resources closer to himself, among his subjects, while ensuring appropriate benefits to their mother centre. The town had to be large and buoyant enough, of a rank that was at least comparable to that of Kazimierz (then under establishment); strong enough to further develop, in spite of having been left by a group of entrepreneurial, beneficiary and influential burghers. Seeking to identify the hub that would do such a service to the benefit to Kazimierz, three basic criteria could be adopted. First, it had to be of a possibly high rank and potential. Second, there should have been as many Poles as possible, against a possibly small number of Germans, in the burgher elite. Thirdly, it should be assumed that the king returned the great favour appropriately – by contributing to the new commune's fast development.

There were not many strong towns within the boundaries outlined by the legacy of Władysław the Elbow-High. In Greater Poland (Wielkopolska), Poznań and, possibly, Kalisz could be taken into account. However, the association of this province with the king was not well-established, while the ethnic character of the urban elites probably remained mixed, perhaps with the Germans prevailing. In Lesser Poland, Sandomierz had a particular position. From the middle of the twelfth century onwards, it acted as the main centre of a separate dukedom. Given the region as a whole, only Cracow had more extensive ecclesiastical structures than Sandomierz. Kazimierz, right outside Cracow, was the only town that soon came up to it.

A certain Witko, burgher from Cracow, was the alderman of Sandomierz since its foundation in 1286. Together with his deputy Zygfryd of Sącz, he joined the 1311/12 rebellion against Władysław the Elbow-High; he had probably opposed his duke earlier on in some way, since in 1307 the aldermanship was held by another family; they possessed the office after 1312. The first office-holding member of this family was Marek, son of a Cracow minter, and subsequently his sons Marek and Robert (Rupert). Although regarding them as ethnic Poles or Germans would be illegitimate, it is at least clear that they were among Władysław's followers.²³ During the conflict with

²³ *Dokumenty sądu ziemskiego krakowskiego 1302-1450*, ed. by Zbigniew Perzanowski (Wrocław, 1971), 1; Jan Ptaśnik, 'Studia nad patrycyatem krakowskim wieków średnich', *Rocznik Krakowski*, xv (1913), 33–8; Tadeusz Lalik, 'Lokacja Sandomierza

Władysław, the Sandomierz aldermen took a stand against the Piast ruler and probably enjoyed support from some local burghers; yet, once they were removed, we encounter no trace of such antagonism. On the contrary: the doings of Casimir III signify that the relationship between the town and the king were very good.

On 15 May 1336, Sandomierz received a significant privilege: the king established a higher-rank castle court of the German law in the town. As the main reason behind the decision, the relevant diploma mentions burdensome travels to Cracow and elsewhere that dwellers of Sandomierz and nearby villages had to make so far.²⁴ Thereby, Sandomierz was treated as an urban centre equal in importance to the capital city. Its position was thus recognised, its maintenance foreshadowed and development strongly supported.

The basic spatial and, partly, political-system change that took place in Sandomierz under the rule of Casimir the Great has until recently been associated with the Lithuanian invasion of 1350. Since this view has been convincingly challenged,²⁵ the question about the chronology and the incentives behind the king's actions should be posed anew. The aforementioned 1336 charter clearly points to the beginning of these actions. Before 1349 – certainly prior to the hypothetical wipe-out caused by the Lithuanians – the redevelopment of the Sandomierz castle started. The nullification in 1358 of Sandomierz's privilege allowing to circumvent Cracow's road obligation may be indicative of the closing of, at least, one of the stages.²⁶ Under Casimir's rule, and because of him, the town was enlarged at least twice, and a considerable part of the city walls was

w roku 1286', in Trawkowski (ed.), *Dzieje Sandomierza*, i: *Średniowiecze*, 103; Morawski, 'Sandomierz', 120, 123; Andrzej Marzec, 'Między Przemysłem II a Władysławem Łokietkiem, czyli kilka uwag o Królestwie Polskim na przełomie XIII i XIV wieku', *Roczniki Historyczne*, lxxviii (2012), 85–6.

²⁴ *Kodeks dyplomatyczny Małopolski, 1178-1386*, ed. by Franciszek Piekosiński (Kraków, 1876), iii, Part I, 204; Ludwik Łysiak, 'Sąd wyższy prawa niemieckiego na zamku krakowskim a inne sądy wyższe z terenu Małopolski', *Sobótka*, xlvi (1993), 113–22, 118 ff.; Piotr Okniński, 'Główne etapy formowania się miasta lokacyjnego w Sandomierzu w XIII-XIV wieku', *Roczniki Historyczne*, lxxiii (2016), 97.

²⁵ Okniński, 'Główne', 94.

²⁶ Morawski, 'Sandomierz', 127; Okniński (in 'Główne', 95) gives an erroneous date – 1356. The year 1358 marked an important caesura also within the Cracow agglomeration: once the commune of Kazimierz grew strong enough, the area of Kleparz became the king's main concern.

constructed:²⁷ definitely, quite a spectacular manifestation of the monarch's benignancy toward a big town.

If the king needed in 1335 a group of burghers from a strong and loyal urban centre – the burghers who, in spite of no benefits ensuing from the bestowal of aldermancy and the benefits associated with it were ready to abandon their home commune and establish a new one – Sandomierz was the most probable choice. The privileging of the town, which commenced exactly at that time, a year after Kazimierz near Cracow was founded, makes the choice plausible. On the other hand, both actions – the setting up of a new town at the foot of Wawel and the redevelopment of Sandomierz – might be seen, simply, as elements of the urban policy the king vigorously embarked on right after he came to the throne.

Yet, another puzzle that associates the two towns is unexplainable in such terms: the foundation charter for the commune of Kazimierz near Cracow was issued in Sandomierz.²⁸ As Wyrozumski stresses, the formula *actum et datum* usually meant that the legal action as well as the issuance of the diploma took place there. What is more, almost exactly a year later, on 25 February 1336, a subsequent document for residents of Kazimierz was issued in Sandomierz, again.²⁹ This time, the king confined himself to announcing that he would make the decision to grant or refuse the town the staple (i.e. storage) right for salt, lead, and copper after his return from Greater Poland. Apparently, Casimir undertook in respect of the addressees of the first document that he would resolve the matter within a year.³⁰ It looks like the king was absent at that time – i.e., on 25 February 1336 – in Sandomierz; he ordered that a corresponding diploma be issued. Whereas for the

²⁷ 'Poszerzenie układu urbanistycznego po 1349 r. – analiza modularna', in Zdzisław Noga (ed.), *Sandomierz* (Sandomierz and Kraków, 2014), 9–10, Atlas Historyczny Miast Polskich, v, 2, 10; Okniński, 'Główne', 92.

²⁸ Wyrozumska (ed.), *Przywileje Krakowa*, 27–8.

²⁹ *Kodeks dyplomatyczny miasta Krakowa*, v, Part 1: 1257-1506, 19.

³⁰ Neither Piekosiński (*Kodeks dyplomatyczny*, [371]) nor Starzyński (Starzyński, *Średniowieczny Kazimierz*, 33–5) take into account such explanation of a year's interval between the documents; for examples of a year-long time-span in Casimir the Great's legislation and municipal law, see Maciej Mikuła, *Prawo miejskie magdeburskie (Ius municipale Magdeburgense) w Polsce XIV–XVI w. Studium o ewolucji i adaptacji prawa*, Kraków 2018, 321, 327; *id.*, 'O reformie prawa miejskiego w XVI wieku. Ciężkowska uchwała o prawie prywatnym i administracji', *Krakowskie Studia z Historii Państwa i Prawa*, vi, 3 (2013), 236–8.

first document (1335) the explanation proposed by the Cracow-based historian, whereby the driving incentive was the fear of influence of Cracow Old Town's council, has some traits of plausibility, such explanation applied to the evidencing of a legal action taken elsewhere is nowise convincing.³¹

Starzyński has suggested a different explanation: he associates the place of the document's issuance with the activity of Voivodes (province governors) of Cracow and Sandomierz, who were prejudiced to Cracow;³² why they would have had to operate in Sandomierz only is unclear. Then, he abandons his idea without explaining the reasons behind the change, and describes the reflection on this particular matter as pointless "looking for a hidden agenda".³³ His 'careful reading' of the 1335 charter has, as he says, unquestionably proved that a town of Kazimierz existed prior to the chartering; "hence the choice of Sandomierz should rather be read in terms of chance rather than intentional action that was purposefully not solemn or spectacular". Combination of statements describing the action as casual and purposefully modest can be regarded as questionable. This is why, probably, the author has decided to refer (in the subsequent sentence) to the fact that for the king "it was the first such foundation brought into effect during his reign", and that he named it after himself.³⁴ The author's opinions on the presence of Kazimierz's burghers in Sandomierz in the winter of 1335–6 are interesting, though illegitimate. The undertaking of legal action and the issuance of the foundation charter "could have been connected with summoning" of the recipients before the king.³⁵ A year later, justification of the decision taken elsewhere was simply handed on to the addressees in Sandomierz. Starzyński does not make it clear whether they arrived on that occasion summoned by the monarch or out of their will.³⁶ This author's considerations on the reasons and circumstances of issuance of the Kazimierz charters in Sandomierz are so exquisite that one finds it hard to follow.

³¹ Wyrozumski, *Kraków*, 243 ff.

³² Starzyński, 'Civitas', 51.

³³ *Id.*, *Średniowieczny Kazimierz*, 29.

³⁴ *Ibid.*, 30.

³⁵ *Ibid.*

³⁶ *Ibid.*, 34. In 2010, this author still considered the presence of Kazimierz burghers obvious for the year 1335 as well as 1336 – cf. *id.*, 'Civitas', 49–54.

It was customary that King Casimir issued in Cracow privileges for the local agglomeration's communes as well as foundation documents for other urban centres. This was no rule of the thumb, though. Of the seventeen royal charters contained in the Diplomatic Code for the City of Cracow, four were written down outside Cracow – one in Skawina and three in Sandomierz. Two of them have already been presented above. The third comes from a similar period – it is namely dated 9 September 1336 and comprises a collection of privileges for the Old Town of Cracow, including approval of its internal regulations.³⁷ Thus, a certain trend becomes visible, with Sandomierz revealing its special role in the years 1335–6. As for deeds of foundation, a certain change in time is identifiable as well. Of the twelve such documents known to us, four were issued outside Cracow: three between 1360 and 1370, and one earlier on – namely, the one granted to Kazimierz.³⁸ Compiling a document for a Cracow commune far away from it was a rare thing, but such things did occur. A chartering deed from the early years of Casimir III's reign attracts attention to a larger degree. Two diplomas for one Cracow commune bestowed a year apart in Sandomierz do not seem to have been casual.

If the diploma's recipients were simply a group of Sandomierz residents ready to undertake the venture of establishing a new commune, it becomes completely clear and logical why the document was issued at that place; also, the hypothesis developed earlier on indirect premises gains a strong foundation. This would moreover shed a new light on the circumstances of setting up in Sandomierz a higher German-law court – as a token of gratitude for participation in the location brought about outside Cracow and, perhaps, a sort of compensation for the final refusal to bestow the trading rights to the commune of Kazimierz.

This would in parallel mean that the chartering commenced the process of foundation of the town of Kazimierz, rather than sanctioning an already completed undertaking. We can see the major individuals representing the new commune spend (at least) the winter season nowhere else than in Sandomierz a year later.

³⁷ *Kodeks dyplomatyczny miasta Krakowa*, 21.

³⁸ Anna Berdecka, *Lokacje i zagospodarowanie miast królewskich w Małopolsce za Kazimierza Wielkiego (1333–1370)* (Wrocław, 1982), *Studia i materiały historii kultury materialnej*, lv, 162–9: Stopnica (1360), Jaślicka (1366), and Przyrów (1369).

The finding whereby the commune of Kazimierz was originally rooted in Sandomierz can be partly verified through analysis of the relationship between the two cities in the subsequent generations. There is an interesting example of such relationships that is worth quoting readily. Michał of Sandomierz, who died in 1415 in Lewin near Kłodzko, ordained the biggest bequest for the Corpus Christi Church in Kazimierz, the commune's main parish. On reporting on the testament's content, Zbigniew Morawski expressed his astonishment at this fact and stated disarmingly that "it is hard to inquire into the considerations behind this act".³⁹ Michał was most probably not one among the settlers who came to Cracow from Sandomierz in 1335, since between the foundation and his death there was a span of eighty years. This option cannot be completely precluded, though: he might have been a child then at the former date and then die an old man. Family connections between the dwellers of the two towns seem more probable, in any case.

In this particular context, we need to refer to one more, and enigmatic, diploma which was issued in Cracow on 10 June 1335 for the inhabitants of New Cracow and regulated the commune's rights.⁴⁰ Among other aspects, it specifies instructions regarding the staple right for salt, whilst the right for metals remained proprietary to the Old Town. The arguments in favour of associating this particular privilege with Kazimierz have already been presented and, to my mind, they remain valid.⁴¹ However, in 2011, Jacek Laberschek considered them unconvincing and suggested that the document in question referred to Kleparz, the area that was founded in that very year.⁴² He contributed new arguments to the discussion, which need being addressed at this point.

³⁹ Morawski, 'Sandomierz', 129–32, quote from p. 131; for the testament, see *Zbiór dokumentów małopolskich*, Part 5: *Dokumenty z lat 1401-1440*, ed. by Stanisław Kuraś and Irena Sułkowska-Kurasiowa (Wrocław, Warszawa and Kraków, 1970), no. 1265.

⁴⁰ Wyrozumska (ed.), *Przywileje Krakowa*, 29–30.

⁴¹ Słoń, *Miasta*, 298–304.

⁴² Jacek Laberschek, 'Anfänge und territoriale Entwicklung der Krakauer Agglomeration im 13.–14. Jahrhundert', *Quaestiones Medii Aevi Novae*, xvi (2011), 385–410, 397–400; Starzyński (in 'Civitas', 53–4) considers the arguments given by J. Wyrozumski as resolving, and subsequently ignores an opposite view (Słoń, *Miasta*, 298–304); the diploma issue is absent in his later study (Starzyński, *Średniowieczny Kazimierz*).

The concept of separate settlement and onomastic stems to which Old Town and Kleparz apparently belonged has regrettably not been evidenced based on historic records. Laberschek offers no explanation of why such a shared naming evinced itself merely once, never appearing again, anywhere, throughout the fourteenth and fifteenth centuries. Kleparz was never described as a 'New Cracow' before 1502 – the date it was first named so, probably in connection with the use of the diploma in question. Also, the place name 'Alta Cracovia' never reappears in the Middle Ages, or in a later period. What we therefore know for certain is that the fact under discussion was a failed single attempt at introducing the naming: the two so-named towns bore a different name earlier as well as later on. The shared 'settlement stem' (*Siedelstamm*) was meant to explain the regulation of mutual proscription, migration, on economic relations between the two communes, as well as the ruler's care about both Cracow communes: "intendentes nostre utriusque ciuitatis antique et nove Cracouie profectionibus et amplificationibus".⁴³ This argument is definitely challenged by the grand charter of Cracow from 1358, which resolves the same issues for all the three towns, and by the regulations of Kazimierz's foundation charter issued in 1335, containing several references to the Old Town.

The economic circumstances are considered as being of paramount importance to the Cracow-based historian. To his mind, the content of the diploma dated 10 June 1335 shows a town site remote from the river as it mentions no professions or facilities related to a watercourse (fishermen, bath attendants, maltsters, brewers, rafters, mills and millers, or bleachers). The 1335 charter that undoubtedly pertains to Kazimierz does not mention any such profession or appliance, either. The Kleparz document of 1366 refers, in turn, to the manufacture of white and grey cloth, which would not have been possible without bleaching; beer brewing is also mentioned.⁴⁴ It would be interesting to connote comparative material in the form of an foundation charter for a town on a river which would name at least a half of the professions mentioned by Laberschek; I have not come across any such record yet, though. And, the question remains of why Kleparz, allegedly founded

⁴³ *Przywileje Krakowa*, 29.

⁴⁴ "Licitum eciam erit eis pannos tantummodo albi et grisei coloris incidere pro eorum utilitate", Wyrozumka (ed.), *Przywileje Krakowa*, 35.

in 1335, is never mentioned in the otherwise rather abundant Cracow records from the subsequent two decades.

Given the present-day state of research, the New Cracow of 1335 should, in all probability, be identified with Kazimierz. Yet, certain other options cannot be precluded. Perhaps, the king intended to charter two large communes at the same time? A synchronic project of this sort was rather unlikely to succeed – and this strongly speaks against such a concept. Even if Casimir was not aware of it, he had access to experts who could warn him against the idea. Or, perhaps, the story was very different: the deed bestowed upon the residents of Sandomierz did not meet their expectations and so they opted out; then, the monarch made one more attempt, a ‘replacement’ one, at the same place. And then, both parties came to the conclusion that resuming the original idea would be a better solution. Well, this is just guessing, not hypothesising. The mysterious document has so far given us no certain answer. In any case, it seems to be one more testimony of the setbacks associated with the unusual venture the young king once embarked on, the adjustments made in the course of establishing the commune, and the quest for the appropriate pathway.

In investigating the chartering and foundation that finally led to the emergence of a large city, it is easy to fall into a trap of obviousness. The existence of such an important urban centre is, apparently, evidence that the plan has succeeded and the site’s potential was simply waiting to be given an opportunity to flourish.⁴⁵ Indeed, the number of successful ventures that are known to us much exceeds the number of those failed. This, however, testifies to prudence of the rulers, the founders and their associates, rather than to an easiness of the task they faced and tackled. With a pioneering plan, one that diverged from the established standards, the degree of complexity and the risks involved were correspondingly higher. The foundation of Kazimierz (outside Cracow) is certainly a case in point. It is worth looking at carefully, so that it may reveal to us even more interesting facets – with regards not only to the particular commune but also to the medieval city as such.

trans. Tristan Korecki

⁴⁵ Cf. J. Wyrozumski’s valuable remarks (in *id.*, *Kraków*, 160) on the monarch’s personal role and the determinants of successful foundation, and the emphasis placed on an exemplary case of difficulties associated with chartering of a large city, in Jurek, ‘Przebieg lokacji Poznania’, 173–91.

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