

DEPARTMENT OF HISTORY – HENRI PIRENNE INSTITUTE FOR MEDIEVAL STUDIES

Dra. Marie-Charlotte Dubois

Supervisors: Els De Paermentier, Jan Dumolyn, Dirk Heirbaut (Faculty of Law), Bart Lambert (VUB)

THE PRAGMATIC REALITY OF THE OLDEST BOROUGH CHARTERS OF URBAN COMMUNITIES IN THE SOUTHERN LOW COUNTRIES AND NORTHERN FRANCE (LATE 11TH – EARLY 13TH CENTURIES)

An important source about the deep-seated culture of **political and legal debate** among townsmen, aristocratic lords and the count, as well as on the practices of **criminal and feudal law** during the 'Age of Freedom', is the 1127 borough charter granted by Count William Clito to the city of Saint Omer.

It is the oldest and most extensive surviving original document detailing a **negotiation** between the burghers and the count regarding **early urban law in the Low Countries**.

Usually, following a phase of 'spontaneous' geographical, economic and social development, rulers of communities of city-dwellers (i.e. counts, bishops, local lords) realized the benefits from such **emerging urban agglomerations**.

Consequently, those communities were eventually **recognized and granted with liberties, customs and other privileges by their rulers**. The written form of these agreements is generally referred to as '**borough charters**'.



Borough charter of Count William Clito to the city of Saint Omer (1127); Municipal Archive of Saint Omer, AB XIII, 1

A threefold comparative approach:

Pragmatic-documentary approach

- **Context-reconstruction** in which law and liberties were written down
- Analysis of the **textual** and **material** form of the charters: *Stilvergleichung*, palaeography, language-use

Socio-economic and political approach

- Untangle the '**collectiveness**' within early-stage urban communities
- **Socio-economic** context, **prosopographical** research of the people involved

Legal historical approach

- Charters as the consolidation of **medieval expectations of law** in the power dynamics between rulers and subjects
- Legal concepts as reflections of an underlying **law in minds**: order of clauses, language-use

Production before the rise of urban secretaries

Due to the **scarcity of written sources** documenting the earliest phase in the development of urban communities in the Southern Netherlands, we remain ignorant of the performed **rituals and speech acts** behind the records that do survive, or the **older customs** that preceded their **first materialization**. Consequently, because of this **experimental phase** of pragmatic literacy the **borough charters differed widely** in their typology, material form, composition and phraseology.

An alternative definition of the 'collectiveness'

According to standard definitions the *communio* was predominantly understood as a legal and institutional entity (e.g. notions of mutual aid, sworn oaths, defense against arbitrary lordly violence). However, through the description of the early-stage urban communities in the charters, it is possible to identify the **social groups**, along with the **socio-economic and political conditions**, and other **local circumstances**, determining their specific forms of political agency 'from below'.

Extending beyond borough charters as normative texts

This perspective allows to range the charters clauses **from imposed by the ruler to concessions** between ruler and burghers. For instance, the 1127 charter granted by Count William Clito uses the dispositive verb *concedere* instead of the verb *instituere*, used in the 'Great Charter' of Count Philip of Alsace. Additionally, the expression *petitioni burgensium Sancti Audomari contraire nolens* suggests the likelihood of a **negotiation** having taken place between the burghers of Saint Omer and Count William Clito.



Fragments of the *chirographum* of the borough charter of Count William Clito to the city of Saint Omer (1127); Municipal Archive of Saint Omer, AB XIII, 1 and 1B

Contact
 mariecharlotte.dubois@ugent.be
<https://research.flw.ugent.be/nl/mariecharlotte.dubois>

Universiteit Gent
 @ugent
 Ghent University