



Jerusalem. From a fourteenth-century French illuminated manuscript in the collections of the Bibliothèque nationale

# IV

## SOCIAL CLASSES

### IN THE LATIN KINGDOM:

### THE FRANKS

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#### *A. Social Stratification*

**D**uring the eleventh century, when social distinctions tended to become sharper in the west, two areas recently added to Christendom revealed a different pattern of social stratification. These were Spain and Sicily, the former slowly pushing back the frontiers of Moslem domination, the latter falling into the hands of the Norman conquer-

There are three categories of sources pertinent to the subject of social classes in the Latin east: legal treatises; acts and deeds; and the chronicles written either in the east or by westerners who had participated in the crusades or had visited the crusading states, including itineraries with descriptions of the Holy Land and its neighboring countries.

The legal treatises have been published by Auguste Beugnot, *RHC, Lois* (2 vols.). These include (vol. I): *Livre de Jean d'Ibelin*; *Livre de Geoffroy le Tort*; *Livre de Jacques d'Ibelin*; *Livre de Philippe de Navarre*; *La Clef des Assises de la Haute Cour du royaume de Jérusalem et de Chypre*; and the *Livre au roi*; (vol. II): *Livre des Assises de la Cour des Bourgeois*; *Abrégé du Livre des Assises de la Cour des Bourgeois*; *Bans et ordonnances des rois de Chypre*; *Formules*; *Documents relatifs à la successibilité au trône et à la régence*; *Document relatif au service militaire*; *Les Lignages d'Outremer*; and *Chartes*. These are all private collections and, with the exception of the *Livre au roi*, belong to the thirteenth century. The *Livre au roi* is apparently the earliest, written between 1197 and 1205. Besides the lengthy introductions by the editor, Beugnot, the fundamental study of these treatises is that by Maurice Grandclaupe, *Étude critique sur les livres des assises de Jérusalem* (Paris, 1923). His attempt to assign a more official character to the *Livre au roi* is not entirely convincing; see his "Caractère du *Livre au roi*," *RHDFE*, ser. 4, V (1926), 308-314. Philip of Novara's treatise was badly edited and needs redoing. No treatise on the laws of Tripoli is preserved, but the customs of Antioch survive partially in an Armenian translation; see *Assises d'Antioche, reproduites en français*, ed. Leone M. Alishan (Venice, 1876); cf. the remarks in a review by Marius Canard in *Arabica*, IX (1962), 112. For Greek and Latin translations of the various treatises see Grandclaupe, *Étude critique*, and Dimitri Hayek, *Le Droit franc en Syrie pendant les croisades* (Paris, 1925). There has been no recent general study of Frankish law in the crusader states.

For a reconstruction of the early royal legislation see Grandclaupe, "Liste d'Assises remontant au premier royaume de Jérusalem (1099-1187)," *Mélanges Paul Fournier* (Paris, 1929),

ors. These two areas were rather similar to the Latin states in the east. The distinctive features of social stratification in all of them lay in the fact that they began their history with the same kind of decisive event: a Christian conquest of a non-Christian country. And yet the Latin states in the east would tend to create a special type of society, different from the others. In the course of time Spain would be entirely colonized by its Christian conquerors (expelling or converting in the process the Moslem and Jewish population); the Norman conquerors of Sicily would merge with the heterogeneous local population. But during their two-hundred-years' rule on the eastern shores of the Mediterranean, followed by another two hundred years in Cyprus, the Franks never really succeeded in colonizing their conquests.

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pp. 329-345, to be supplemented by Joshua Prawer, "La Noblesse et le régime féodal du royaume latin de Jérusalem," *Le Moyen-Âge*, ser. 4, XIV (1959), 41-74; and *idem*, "Étude sur le droit des Assises de Jérusalem: Droit de confiscation et droit d'exhérédation," *RHDFE*, ser. 4, XXXIX (1961), 520-551; XL (1962), 29-42. A general study of the royal legislation remains a desideratum.

An excellent guide to the rich treasure of acts and deeds is Reinhold Röhricht, *Regesta regni Hierosolymitani, 1097-1291* (Innsbruck, 1893; repr. New York, 1960) and *Additamentum* (Innsbruck, 1904; repr. New York, 1960). See also Hans E. Mayer, *Bibliographie zur Geschichte der Kreuzzüge*, 2nd ed. (Hanover, 1965), pp. 75-76, together with his "Literaturbericht über die Geschichte der Kreuzzüge," *Historische Zeitschrift*, Sonderheft 3 (Munich, 1969), pp. 641-731, and his "Aspekte der Kreuzzügeforschung," *Geschichte und Gegenwart: Festschrift für Carl Erdmann* (Neumünster, 1980), pp. 75-93. The bulk of these documents were preserved in the archives of ecclesiastical institutions (churches, monasteries, military orders) and communes, whereas the royal and seigneurial archives seem to be entirely lost. See Paul Riant, "Les Archives des établissements latins d'Orient," *AOL*, I (1881; repr. Brussels, 1964), 705-710.

For papal letters see Mayer, *Bibliographie*, pp. 72-74, and Eugène de Rozière, ed., *Cartulaire de l'église du Saint-Sépulchre de Jérusalem* (Paris, 1849; repr. in *PL*, 155 [Paris, 1880], cols. 1105-1262); *Chartes de Terre Sainte provenant de l'abbaye de Notre Dame de Josaphat*, ed. Henri F. Delaborde (Paris, 1880), supplemented by Charles Kohler, "Chartes de l'abbaye de Notre-Dame de la vallée de Josaphat en Terre-Sainte (1108-1291)," *ROL*, VII (1899), 108-222; Emmanuel G. Rey, "Chartes de l'abbaye du Mont Sion," in *Mémoires de la Société nationale des antiquaires de France*, VIII (1887), 31-56; *Cartulaire général de l'ordre des Hospitaliers de Saint Jean de Jérusalem (1100-1310)*, ed. J. Delaville Le Roulx (4 vols., Paris, 1894-1906); *Chartes du Mont Thabor*, in Delaville Le Roulx, *op. cit.*, II, 897-914; *Codice diplomatico del sacro militare ordine Gerosolimitano oggi di Malta*, ed. Sebastiano Paoli (2 vols., Lucca, 1733-1737); and *Cartulaire général de l'ordre du Temple, 1119?-1150: Recueil des chartes et des bulles relatives à l'ordre du Temple*, ed. Marquis (Guigüe) d'Albon (Paris, 1913; only one vol. published). The huge collection of copies made by d'Albon is in the Bibliothèque nationale in Paris: see Émile G. Léonard, *Introduction au cartulaire manuscrit du Temple (1150-1317) constitué par le Marquis d'Albon* (Paris, 1930). See also *Tabulae ordinis theutonici*, ed. Ernst Strehlke (Berlin, 1869; repr. Toronto, 1975); Erich Joachim and Walther Hubatsch, *Regesta historico-diplomatica ordinis Sanctae Mariae Theutonicorum, 1198-1525* (4 vols., Göttingen, 1948-1950); "Fragment d'un cartulaire de l'ordre de Saint Lazare en Terre Sainte," ed. Arthur de Marsy, in *AOL*, II-2 (1884), 121-157; "Titres de l'hôpital des Bretons d'Acre," ed. Delaville Le Roulx, in *AOL*, I (1881), 423-433. Sources of documents for the commercial communes are noted below, note 155.

They neither became a majority in the territories they seized, nor merged with the native population. Consequently the social stratification of the crusader states reflected a division between conqueror and conquered which lasted as long as the Franks remained in the east.

From the legal as well as from the sociological point of view, the population of the crusader states falls into two major categories:

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It would be superfluous to list again the principal chronicles, which are noted in the first two volumes of the present work. An excellent guide to the itineraries is Röhrich, *Bibliotheca geographica Palaestinae* (Berlin, 1890; repr. with supplements, Jerusalem, 1963). The major collections of itineraries are *Itinera Hierosolymitana et descriptiones Terrae Sanctae, bellis sacris anteriora et latina lingua exarata*, ed. Titus Tobler, Augustus Molinier, and Kohler (2 vols., Geneva, 1879–1885); *Descriptiones Terrae Sanctae ex saeculo VIII, IX, XII et XV*, ed. Tobler (Leipzig, 1874); *Itinéraires à Jérusalem et descriptions de la Terre Sainte rédigés en français aux XIe, XIIe et XIIIe siècles*, ed. and tr. Henri Michelant and Gaston Raynaud (SOL, SG, III; Geneva, 1882); and *Peregrinatores medii aevi quatuor*, ed. J. C. M. Laurent, 2nd ed. (Leipzig, 1873). English translations and some original texts are in *PPTS*.

For Arabic descriptions see *Bibliotheca geographorum Arabicorum*, ed. Martin J. de Goeje (8 vols., Leyden, 1870–1894); German translations by Johann Gildemeister in *ZDPV*, IV (1881), VI (1883), VII (1884), and VIII (1885), and *ZDMG*, XXXVI (1882); translation of excerpts in Guy Le Strange, *Palestine under the Moslems: A Description of Syria and the Holy Land from A.D. 650 to 1500, Translated from the Works of the Mediaeval Arab Geographers* (London, Boston and New York, 1890; repr. Beirut, 1965), and A. Sebastianus Marmardji, *Textes géographiques arabes sur la Palestine* (Paris, 1951).

For Hebrew collections see Abraham Ya'ārī, *Igrōth Eretz-Israel* [Letters from Palestine] (Jerusalem, 1953); *idem*, *Masa'ōth Eretz-Israel* [Voyages to Palestine] (Jerusalem, 1956).

There are few secondary works dealing with the subject as a whole. Basic work, although often erroneous and now out of date, was done by Beugnot in his long introductions to the two volumes of *Lois* cited above. We should also mention the excellent essay by Louis Madelin, "La Syrie franque," *Revue des deux mondes*, LXXXVII (1917), 314–358. The best study, although dated, is by Hans Prutz, *Kulturgeschichte der Kreuzzüge* (Berlin, 1883; repr. Hildesheim, 1964), to which should be added the works of Rey, *Les Colonies franques de Syrie aux XIIe et XIIIe siècles* (Paris, 1883); "La Société civile dans les principautés franques en Syrie," *Cabinet historique*, XXV (1879), 167–186; and *Essai sur la domination française en Syrie durant le moyen-âge* (Paris, 1866). See also Jean Longnon, *Les Français d'Outremer au moyen-âge* (Paris, 1929), and Charles R. Conder, *The Latin Kingdom of Jerusalem, 1099 to 1291 A.D.* (London, 1897; repr. New York, 1973).

Almost all general histories of the crusades have chapters on society in the crusader states. To be specially noted are Claude Cahen, *La Syrie du nord à l'époque des croisades et la principauté franque d'Antioche* (IFD, BO, I; Paris, 1940); Richard, *Le Comté de Tripoli sous la dynastie toulousaine, 1102–1187* (Paris, 1945); *idem*, *Le Royaume latin de Jérusalem* (Paris, 1953); Hans E. Mayer, *Geschichte der Kreuzzüge* (Stuttgart, 1965), tr. John Gillingham as *The Crusades* (Oxford, 1972); Prawer, *Histoire du royaume latin de Jérusalem* (2 vols., Paris, 1969–1971; 2nd ed., 1975), especially I, 461–537, and II, 215–257; *idem*, *The Latin Kingdom of Jerusalem: European Colonialism in the Middle Ages* (London, 1972); *idem*, *The World of the Crusaders* (London, 1972), and *Crusader Institutions* (Oxford, 1980); Jonathan Riley-Smith, *The Feudal Nobility and the Kingdom of Jerusalem, 1174–1277* (London, 1973); and Raymond C. Smail, *The Crusaders in Syria and the Holy Land* (London, 1973).



“Franks” and “non-Franks.” Franks is the all-inclusive name for all western Europeans who came with the crusades to the east. The name was ultimately applied not only to the crusaders but also to their descendants, comprising the entire conquering and ruling population. It was only natural that the French descendants of the first settlers found it too inclusive, and consequently used *pullani* or *poulains*<sup>1</sup> for their offspring to distinguish them from members of the various Italian communities. On the other hand, the Arabic-speaking Christians, Moslems, and Jews used the name *al-Ifranj* for all who were not indigenous members of the population. In this sense the word was equivalent to “invaders.” As far as we can ascertain, the native population did not use the expression “Christians” (*an-Naṣārāh*) for the conquerors, to avoid confusing native Christians with Europeans. But the Franks were often called “crusaders” (*Ṣalībīyah*), whereas western sources used *crucesignati* to denote not all those who went to the east but only those who had taken the cross and enjoyed the lay and ecclesiastical privileges of crusaders. These semantic distinctions underline the fact that, as far as the indigenous population was concerned, the most relevant feature of their relations with the Franks was a strict legal and social segregation.

The entire population of the Latin kingdom consequently falls into two categories – conquerors and conquered. The European conquest not only changed the conditions existing in the conquered territories, but also cut deep into the web of social relations and legal status of

1. The origin of the name is obscure. Contemporaries derived it from Apulia, suggesting that the native-born Franks were descended from marriages between crusaders and women brought over from southern Italy because of the lack of women among the settlers. Another explanation connected it with Latin *pullus*, young animal, in the sense of newcomer. See James of Vitry, *Historia orientalis*, I, i, cap. 67, in Jacques Bongars, ed., *Gesta Dei per Francos* (Hanau, 1611; repr. Jerusalem, 1972), I, 1086 (lines 14–17): “Pollani autem dicuntur, qui post praedictam terrae sanctae liberationem ex ea oriundi extiterunt: vel quia recentes et novi, quasi pulli respectu Surianorum reputati sunt; vel quia principaliter de gente Apuliae matres secundum carnem habuerunt.” Still another connects it with an offensive Arabic expression, *fulān ibn-fulān*, meaning literally “X son of X,” a man whose father was unknown—in short, a bastard. One wonders if ultimately the word might not have been derived from the Greek *-poulos*, son. It may be recalled that the crusaders’ light cavalry was called *turcopuli*. Margaret R. Morgan, *The Chronicle of Ernoul and the Continuations of William of Tyre* (London, 1973), pp. 194–195, has questioned the general opinion that it was used in the derisive sense of “half-caste,” as has Prawer, *The World of the Crusaders*, p. 83. On the *turcopuli* see *idem*, *The Latin Kingdom*, pp. 340–341. Cf. also Henri Diament, “Can Toponomastics Explain the Origin of Crusader French Lexemes *Poulain* and *Turcople*?” *Names: Journal of the American Name Society*, XXV (1977), 183–204; and Morgan, “The Meaning of Old French *Polain*/Latin *Pullanus*,” *Medium Aevum*, XLVIII (1979), 40–54.

the conquerors themselves, changing European notions as they existed at the time of the founding of the kingdom. Two cases will suffice to illustrate the difference between European and crusader notions of social and legal status. In eleventh-century Europe, being a peasant meant, with few exceptions, to have the legal and social status of a serf or villein. In the Latin states in the east a peasant was a villein only if he belonged to the native population. A Frankish peasant working his own land, or his holding, or settled in one of the newly established Frankish villages, was under no circumstances a villein. He was always called a "burgess" (*burgensis*). Despite being a peasant he preserved his legal status and social standing as a member of the ruling class, well above the status of villein or serf. From the point of view of the general stratification of society his occupation was of no consequence. The decisive factor was his European origin. Conversely, a Syrian Christian, Moslem, or Jewish peddler, artisan, or small shopkeeper, often living in a street neighboring that of a Frank pursuing the same occupation, was neither socially nor legally his equal. Any Frank, even the poorest and the lowest, ranked well above the wealthiest of the native population.

Another factor which helped to delineate the two main divisions of society was the social tradition brought over from Europe with the first settlers and strengthened by later waves of immigration. The armies of the First Crusade did not reflect in their composition an accurate cross-section of European society. Not only were some strata of society hardly represented, but all marks of servility ceased to exist for any man who went to the east. From the outset, the crusading army was composed of "nobles" of different degrees and freemen, or to use the terms found in our sources, *milites* and *pedites*. What in the first instance denoted a way of fighting, on horseback or on foot, in reality marked the basic distinction between "noble" knights and simple free men, including those who became free by joining the crusading army. To these two main classes of *milites* and *pedites* we have to add the clergy. The crusading clergy reflected in its composition the clerical establishment of Europe, from great lords like Adhémar of Monteil, bishop of Le Puy, through the more modest chaplains serving princely households, down to the simple priests who hardly differed at all in social status from the *pedites*. These three elements — *milites*, *pedites*, and *clerici* — formed the nucleus of the European society transplanted to the east. It is here that we have to look for the future classes of nobles and non-nobles, or to use the Frankish terms, nobles and burgesses, the two main groups of Frankish lay society.

Still another element was provided by the natives of Italian, Provençal, and Spanish communes. Their original class distinctions were of no consequence in determining their legal status in the crusader states. With the exception of a few families, like the Embriachi of Genoa who became lords of Jubail, and as such entered the ranks of Frankish nobility, their social and legal position resulted from agreements between the representatives of the respective European communes and the authorities in the crusader army and later the kings and princes of the crusader states. The natives of the western communes can be regarded as an occupational group, as indeed they were. It was not the fact that they were merchants, however, which assured their place in society, but rather the particular privileges they acquired. Although each commune obtained for its members somewhat different sets of privileges, they were on the whole still regarded by their contemporaries as a distinct class.

## B. *The Nobles*<sup>2</sup>

“Among all the vocations [*mestier*] which should be taught as early as possible in childhood there are two, the highest and the most hon-

2. For the early period there are few documents, and we must rely for the most part on the chronicles of the First Crusade. Besides the legal treatises we may cite C. du Fresne Du Cange's *Les Familles d'Outremer*, ed. Rey (Paris, 1869), supplemented by *idem*, *Sommaire du supplément aux Familles d'Outremer* (Chartres, 1881), and Röhrich, *Zusätze und Verbesserungen zu Du Cange* (Berlin, 1886). A new edition of *Les Familles d'Outremer* is needed. Copious materials were collected by Louis de Mas Latrie and are preserved in the Bibliothèque nationale: MSS. fr., nouv. acq., 6793-6803. An important outline may be found in John L. LaMonte, “Chronologie de l'Orient latin,” *Bulletin of the International Committee of Historical Sciences*, XII-2 (Paris, 1943), 141-202.

Several studies deal with the different local dynasties: L. de Mas Latrie, “Les Comtes de Jaffa et d'Ascalon,” *Revue des questions historiques*, XXVI (1879), 181-200; Mary E. Nicker-son, “The Seigneurie of Beirut in the Twelfth Century and the Brisebarre Family of Beirut-Blanchegarde,” *Byzantion*, XIX (1949), 141-185 (which supersedes the study by Rey in *ROL*, IV [1896], 12-18); LaMonte, “The Lords of Le Puiset on the Crusades,” *Speculum*, XVII (1942), 100-118; cf. Richard, “Un Évêque d'Orient latin au XIVe siècle: Guy d'Ibelin, O.P., évêque de Limassol, et l'inventaire de ses biens (1367),” *Bulletin de la correspondance hellénique*, LXXIV (1950), 98-133; LaMonte, “The Lords of Caesarea in the Period of the Crusades,” *Speculum*, XXII (1947), 145-161; *idem*, “The Lords of Sidon in the XIIth and XIIIth Centuries,” *Byzantion*, XVII (1944-1945), 183-211; LaMonte and Norton Downs, “The Lords of Bethsan in the Kingdoms of Jerusalem and Cyprus,” *Mediaevalia et humanistica*, VI (1950), 57-75; LaMonte, “The Rise and Decline of a Frankish Seigneurie in the Time of the Crusades,” *Revue historique du sud-est européen*, XV (1938), 301-320; *idem*, “The Viscounts of Naplouse in the 12th Century,” *Syria*, XIX (1938), 272-278; Harry Pirie-Gordon, “The Reigning Princes of Galilee,” *English Historical Review*, XXVII (1912), 445-461; L. de Mas Latrie, “Les Seigneurs d'Arzur en Terre Sainte,” *Revue des questions historiques*, LV (1894), 585-597; Rey, “Les Seigneurs de Montréal et de la Terre d'Outre le Jourdain,” *ROL*, IV (1896), 19-24; W. H. Rüdert de (von) Collenberg, “Les Premiers Ibelins,” *Le Moyen-Âge*, ser. 4, XX (1965), 433-474. Cf. René Grousset, *Histoire des croisades*, II (Paris, 1935), appendix. Many genealogical tables are to be found in the works of Grousset and Steven Runciman. For the dynasties in Antioch, Tripoli, and Edessa see Cahen, *Syrie du nord*, and Richard, *Comté de Tripoli*, cited above in the bibliographical note, and Marshall W. Baldwin, *Raymond III of Tripolis and the Fall of Jerusalem, 1140-1187* (Princeton, 1936); Robert L. Nicholson, *Joscelyn III and the Fall of the Crusader States* (Leyden, 1973); and Mayer, “Die Seigneurie de Joscelin und der Deutsche Orden,” in *Die geistlichen Ritterorden Europas*, ed. Josef Fleckenstein and Manfred Hellmann (Sigmaringen, 1980), pp. 171-216.

Some useful information is to be found in Gustave Schlumberger, *Numismatique de l'Orient latin* (Paris, 1878-1882; repr. Graz, 1954), to be supplemented by Dorothy H. Cox, *The Tripolis Hoard of French Seignorial and Crusaders' Coins* (New York, 1933). See also Henry Longuet, “La Trouvaille de Kessab en Orient latin,” *Revue numismatique*, ser. 4, XXXVIII (1935), 163-181; Paul Balog and Jacques Yvon, “Monnaies à légendes arabes de l'Orient latin,” *Revue numismatique*, ser. 6, I (1958), 133-168 (superseding older studies by De Saulay, Blancard, and La-

orable to God and the world, that is, clergy and chivalry; because he cannot be a good clerk who did not start from childhood, and

voix); Yvon, "France, Italie et l'Orient latin," *A Survey of Numismatic Research, 1960-1965*, II, *Medieval and Oriental Numismatics*, ed. Kolbjørn Skaare and George C. Miles (Copenhagen, 1967), pp. 216-256; David M. Metcalf, "The Templars as Bankers and Monetary Transfers between West and East in the Twelfth Century," in *Coinage in the Latin East*, ed. Peter W. Edbury and Metcalf (Oxford, 1980), pp. 3-17; Peter W. Edbury, "The Baronial Coinage of the Latin Kingdom of Jerusalem," *ibid.*, pp. 59-72. Some interesting material can also be found in G. Schlumberger, F. Chalandon, and Adrien Blanchet, *Sigillographie de l'Orient latin* (Bibliothèque archéologique et historique, XXXVII; Paris, 1943); cf. Mayer, *Das Siegelwesen in den Kreuzfahrerstaaten* (Bayerische Akad. der Wissenschaften, philosophisch-historische Klasse, Abhandlungen, n.s., 83; Munich, 1978). Epigraphic materials were recently collected and published by Sabino de Sandoli, *Corpus inscriptionum cruce signatorum Terrae Sanctae, 1099-1291* (Jerusalem, 1974).

Works on the territorial composition of the various lordships are of special importance. Although mostly dealing with topography, the basic studies are those of Gustavus Beyer: "Das Gebiet der Kreuzfahrerherrschaft Caesarea in Palästina," *ZDPV*, LIX (1936), 1-91; "Neapolis und sein Gebiet in der Kreuzfahrerzeit," *ibid.*, LXIII (1940), 155-209; "Die Kreuzfahrergebiete von Jerusalem und S. Abraham," *ibid.*, LXV (1942), 165-211; "Die Kreuzfahrergebiete Akko und Galilea," *ibid.*, LXVII (1944-1945), 183-260; "Die Kreuzfahrergebiete Südwestpalästinas," *ibid.*, LXVIII (1946-1951), 148-192, 249-281; and "Civitas Ficuum," *ibid.*, LXIX (1953), 75-87. See also Dan Barag, "A New Source Concerning the Ultimate Borders of the Latin Kingdom of Jerusalem," *Israel Exploration Journal*, XX (1970), 107-217; Peter M. Holt, "Qalāwūn's Treaty with Acre, 1283," *English Historical Review*, XCI (1976), 802-812; Richard, "Les Listes de seigneuries dans le *Livre de Jean d'Ibelin*: Recherches sur l'Assebèbe et Mimars," *RHDFE*, ser. 4, XXXII (1954), 565-577; Mayer, "Die Kreuzfahrerherrschaft 'Arrābe,'" *ZDPV*, XCIII (1977), 198-212; Marie Louise Favreau, "Die Kreuzfahrerherrschaft 'Scandalion' (Iskanderūne)," *ibid.*, XCIII (1977), 12-29.

On the general status of studies of Latin society in the east see Cahen, "La Féodalité et les institutions politiques de l'Orient latin," *Oriente ed Occidente nel medio evo* (Accademia nazionale dei Lincei, Fondazione Alessandro Volta, Atti dei convegni XII; Rome, 1957), pp. 167-191. Studies dealing with different aspects of the knightly class are not numerous: Richard, "Pairie d'Orient latin: Les quatre baronnies des royaumes de Jérusalem et de Chypre," *RHDFE*, ser. 4, XXVIII (1950), 67-88; Prawer, "The *Assise de tenure* and the *Assise de vente*: A Study of Landed Property in the Latin Kingdom," *Economic History Review*, ser. 2, IV (1951-1952), 77-87; *idem*, "Les Premiers temps de la féodalité dans le royaume latin de Jérusalem," *Tijdschrift voor Rechtsgeschiedenis*, XXII (1954), 401-424; *idem*, "La Noblesse et le régime féodal du royaume latin de Jérusalem," *Le Moyen-Âge*, ser. 4, XIV (1959), 41-74 (these three studies were translated and updated in Prawer, *Crusader Institutions*, pp. 343-357, 3-19, and 20-45 respectively); Runciman, *The Families of Outremer* (Creighton Lecture in History, 1959; London, 1960); Mayer, "Studies in the History of Queen Melisende of Jerusalem," *Dumbarton Oaks Papers*, XXVI (1972), 93-182; *idem*, "Ibelin versus Ibelin: The Struggle for the Regency of Jerusalem 1253-1258," *Proceedings of the American Philosophical Society*, CXXII (1978), 25-57; Edbury, "The Disputed Regency of the Kingdom of Jerusalem 1264/6 and 1268," *Camden Miscellany*, XXVII (London, 1979), 1-48; Prawer, "Étude sur le droit," *RHDFE*, ser. 4, XXXIX, 520-551; XL, 29-42, expanded and tr. as "Roman Law and Crusader Legislation: The *Assises* on Confiscation and Disinheritance," in *Crusader Institutions*, pp. 430-467; Edmond Meynial, "De Quelques particularités féodales dans les *Assises* de Jérusalem," *RHDFE*, XVI (1892), 408-426; Richard, "Le Statut de la femme dans l'Orient latin," *Recueil de la Société Jean Bodin*, XII (1948), 377-388; Smail, "Crusaders' Castles of the XIIth Century," *Cambridge Historical Journal*, X-2 (1950-1952), 133-149; and Prawer, "Étude de quelques problèmes agraires et sociaux d'une seigneurie croisée au XIIIe siècle," *Byzantion*, XXII (1952), 5-61; XXIII (1953),

he will never ride well who did not learn it when young.”<sup>3</sup> Thus wrote Philip of Novara, knight, writer, jurist, and, at the end of his life (about 1260), moralist at the court of the Ibelins. Looking back over his own career, this Frankish nobleman of obscure origin from tiny Novara in northern Italy summed up the possibilities open to a young man of good birth: “A good knight by the fame of his valor . . . very often came to acquire riches and great property. And many became crowned kings and others had great riches and great seigneuries.”<sup>4</sup> Giving good advice to that younger generation which would witness the fall of the kingdom, Philip goes on to emphasize the traditional ideals of knighthood and nobility: “Besoins est que il soit cortois, et larges et hardiz et sages.” Significantly enough a woman need only preserve her chastity (“prode fame de son cors”). This would cover all other requirements and allow her to walk everywhere with her head held high.<sup>5</sup> He then goes on: “The young man of high origin and the knight and other people bearing arms should work to gain honor so as to become famous for their valor, and to have earthly property and riches and land, from which they might live honorably and so might their children, if they have any, and so they might help their friends and those who serve them and be able to retire in their old age.”<sup>6</sup> There is a rather pedestrian sound to the ideals of knighthood as expressed by Philip, and the phrase just quoted is not an isolated one. Again and again the attainment of wealth, as an end in itself or as a means of living according to a given standard, jars our ears, perhaps because often we still see the crusaders through the eyes of novelists and romantic historians. But Philip of Novara, whose work is original and free of the usual moralizing banalities,<sup>7</sup> was simply summing up his own personal experience.

Philip mentions three different orders of nobles in the crusader states: “Haut home et li chevaliers et les autres gens d’armes”—magnates, knights, and other people bearing arms. This tripartite division, which we find in other sources in such expressions as *riches hommes ou terriers*, *barons*, *chevaliers*, and so on, makes it clear that the ruling class of the kingdom was not monolithic, but was made up in Philip’s time, as indeed a century earlier, of different categories: a high nobil-

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143–170, expanded and tr. as “Palestinian Agriculture and the Crusader Rural System,” in *Crusader Institutions*, pp. 143–200.

3. *Les Quatre âges de l’homme: Traité moral de Philippe de Navarre*, ed. Marcel de Fréville (Paris, 1888), p. 10.

4. *Ibid.*, p. 11.

5. *Ibid.*, p. 20.

6. *Ibid.*, p. 39.

7. Charles V. Langlois, *La Vie en France au moyen-âge*, 2nd ed. (Paris, 1926), pp. 205–240.



ity, a baronage,<sup>8</sup> and simple knights. All of them were noble and as such belonged to the highest estate of the kingdom, within which, however, there were marked distinctions. It was the economic standing of the individual coupled with his origins which classified him within the noble hierarchy of the crusader states. Philip of Novara himself hardly belonged among the magnates. He was one of the baronage who did well for himself, rising in the service of the Ibelins and of the court to the rank of an influential baron in the kingdom. The ideals which he expressed fit that middle group among the nobility who rose from the ranks of the knights to become barons. The crusader states, though hardly a land of unlimited possibilities, sometimes offered opportunities which contemporary Europe, less fluid and more established, seldom presented to the young and the enterprising. Philip, mentioning knights who became kings, probably had in mind Guy of Lusignan. He might also have thought of Reginald of Châtillon, whose remarkable career inflamed the imagination. But did he also think of his own benefactors, the Ibelins? Their origin was obscure, possibly minor officials in Chartres or even Pisan merchants established in the east. Yet they became the uncrowned rulers of the kingdom, kingmakers intermarrying with the royal houses of Jerusalem and Cyprus and even with the imperial dynasty of Constantinople. At the time of Philip of Novara the family had already succeeded in forgetting, and making others forget, its origins.

What, then, is the nobility of the crusader states? Its first layer is to be sought among those warriors who took part in the First Crusade and stayed on in Syria and Palestine afterwards. A scrutiny of the names to be found in chronicles and documents up to the end of the rule of Baldwin I (1118) throws some light on this early group. A salient feature is the particular ethnic groupings in the three principalities of Antioch, Tripoli, and Jerusalem. This was foreshadowed by the composition of the armies of the First Crusade, when the various ethnic groups were led by their traditional local leaders. Vassals of Godfrey of Bouillon in Lower Lorraine made up the main part of his army, and the same can be said for the Flemings, the Provençals, and the Normans, including those from Sicily and southern Italy. It can also be shown that individual knights or groups of knights, not

8. The connotation of "baron" in the sources is not very precise. It was often used to connote "noble," but more frequently, it seems, was used to stress the notion of vassalage; cf. *Livre au roi*, cap. 2 (*RHC, Lois*, I, 608): "don de roi ni de roine ni des barons dou reaume ni des terriers qui don fassent par prevelige . . .;" and *ibid.*, cap. 16 (p. 617): ". . . se aucun home lige ou terrier ou baron dou reaume. . . ." We shall use the word in the sense of a class between the magnates and the simple knights. See below, note 44.

belonging originally to the feudal family of the leader but living in his neighborhood, joined his army for reasons of convenience, familiarity, or identity of speech and customs. This loose ethnic grouping became stronger during the march to the east, when necessities of command and provisioning made for greater cohesion. New links of vassalage were forged. True, some of the leaders changed their allegiance, as did Tancred, who started with Bohemond, went on with Raymond of St. Gilles, and finally took service for better pay under Godfrey of Bouillon.<sup>9</sup> But in this case it was not just Tancred, but his whole army, that accepted a new overlord and commander.

Since the various crusader states were captured by different commanders, it was natural that the knights of Antioch, under Bohemond I and later Tancred, would be predominantly Norman,<sup>10</sup> while Tripoli would have a population of knights originally from southern France. The kingdom of Jerusalem proper, south of Tripoli, though it may have had a pronounced north French knightly class (roughly speaking from north of the Loire, except Normandy), had a more heterogeneous composition. One of the reasons was probably the fact that different ethnic groups participated in the siege of Jerusalem; later pilgrimages and waves of immigration brought more elements of diverse origin to Jerusalem than anywhere else. Such additions were of course not limited to Jerusalem. Southern families, possibly originally connected with Raymond of St. Gilles, can be found in Antioch. The presence of Raymond of Poitiers in Antioch (1136–1149) also brought some non-Norman elements to the principality. Still, the predominance of the respective ethnic groups was strong enough to leave their mark on the customs and organization of the different states. A German pilgrim in the second half of the twelfth century complained bitterly that the merits of his own people, not to mention his language, were obliterated in the east.

Whereas the names of knights allow us a glimpse into their ethnic origin, our sources fail us almost completely when we inquire into their social position before leaving Europe. The reason does not lie in any lack of documentation, but rather in the fact that most of the crusaders we know anything about went home again. Of the men from the great noble families who went with the First Crusade only a few—Raymond of St. Gilles, Bohemond, Tancred, and Godfrey of Bouillon and his brother Baldwin—stayed on in the east. The others left, some before the conquest of Jerusalem, others immediately after.

9. Raymond of Aguilers, cap. 16 (*RHC, Occ.*, III, 278).

10. They were certainly Normans, but it is not clear whether from Normandy or Sicily.

The great mass of *milites* who went on the crusade, and the small remnant<sup>11</sup> who settled in the east after the conquest, belonged neither to the upper nobility nor to the middle nobility whose records are preserved in the deeds and annals of their countries of origin. Those who stayed on in the east after their leaders returned home had been household knights and petty vassals. These provided the major element from which grew the new class of Latin nobility.

The modest origin of the early nobles in the Latin states of the east remains, however, a hypothesis, though a plausible one, since it fits in with several phenomena which would otherwise remain unexplained. One, for example, is the important role played by an anonymous group of knights called *domus Godefridi*<sup>12</sup> in connection with the coronation of Baldwin I. The term is a typical expression for household knights (probably connected with Godfrey when still in Lorraine) who remained in the service of the *advocatus Sancti Sepulcri*. They were still a coherent group as late as 1105, five years after the accession of Baldwin I. It is likely that had there been any among them of prominence, our sources would have pointed out the fact and mentioned their names.

Another clue is the fact that neither in Jerusalem, nor in Antioch, nor in Tripoli do we find, among the first holders of fiefs, surnames pointing to connections with European castles or seigneuries. Moreover, later local dynasties bear the names of their Syrian and Palestinian fiefs, whereas European family names (like Grenier in Jerusalem and Mazoir in Antioch) are exceptions, and even then hardly indicate noble origins.<sup>13</sup> In a feudal age, people proud of their origins would hardly have foregone the occasion to mention their ancestral names, if such had been of any consequence.

Under the princes who became rulers of the crusader states, therefore, the knightly class was of modest background. Their loyalties were to the man or house which they had served in Europe or took service with in the course of conquest and settlement. Their well-being

11. The numbers given in our sources for the early period of the kingdom are small; e.g., October 1100: 200–400 knights; September 1101: 260–300 knights; summer 1105: 500 knights. Cf. Fulcher of Chartres, *Historia Hierosolymitana*, ed. Heinrich Hagenmeyer (Heidelberg, 1913), II, i, 2; II, xi, 2; II, xxxii, 3.

12. Albert of Aachen, VII, 57; IX, 3 (*RHC, Occ.*, IV, 545, 592). On the different numbers see William B. Stevenson, *The Crusaders in the East* (Cambridge, Eng., 1907), pp. 33, 35, 39, 44; and Prawer, "The Settlement of the Latins in Jerusalem," *Speculum*, XXVII (1952), 490–503 (in *Crusader Institutions*, pp. 85–101). Riley-Smith argues that Godfrey never bore the title "advocate of the Holy Sepulcher."

13. For Jerusalem see Prawer, "La Noblesse et le régime féodal," pp. 41–74; for Antioch see Cahen, *Syrie du nord*, genealogical tables, pp. 543 ff.; for Tripoli see Richard, *Comté de Tripoli*, pp. 71 ff.

and future depended in large part on the success of the conquest and the good will of their lord. The economic situation of the crusader states was critical for many years. Sometimes it was so bad that the finances depended on a successful raid on a Moslem caravan.<sup>14</sup> The simple knights from whom emerged the later nobility often complained because of arrears in payment of their salaries, and even threatened open revolt.<sup>15</sup> When Baldwin I forced the patriarch Daimbert of Pisa to take thirty knights on his payroll, it was considered a great achievement.<sup>16</sup> During this early period the mass of *milites* was no more than a salaried army, composed of knights receiving salaries or assigned fixed revenues.

The first signs of development appear under Baldwin I. Godfrey of Bouillon had not distributed any land fiefs but had contented himself with assigning his men revenues from land or cities. Under Baldwin the growing mass of conquests was organized and the expanding frontiers were defended according to feudal practices. Seigneurial fiefs were created and granted to some of the king's companions, although the salaried knight was still very much in evidence.<sup>17</sup> But a higher baronage was emerging. A closer look at this early class of upper nobility proves that local conditions and historical circumstances created in the Latin east a type of nobility and a pattern of organization differing from that known in Europe. The most salient feature is that the nobles and knights were predominantly city-dwellers, whereas nowhere in Europe can we find a knightly class wholly located in cities. The reasons are not difficult to identify. The normal habitat of the earlier Moslem ruling class was the fortified city or the citadel. The crusaders did not besiege castles, but cities. With their conquest the adjacent territory also fell into their hands. The isolated castle, as a place of defense and administration, was introduced by the crusaders only later under the pressure of circumstances.<sup>18</sup> Being a small

14. In 1108 Baldwin I captured a caravan making its way from Egypt to Syria—thirty-two camels bearing sugar, pepper and spices, oil and honey, “quorum abundantia tota regio peregrinorum relevata et confortata est”: Albert of Aachen, X, 36 (*RHC, Occ.*, IV, 648).

15. In 1101, “a militibus suis in urbe Japhet [Jaffa] pro pecunia angustiatus est [Baldwin I], quam illis debebat pro conventione solidorum, qui etiam fratri eius Godefrido, principi Jherusalem, multum obsequii impenderant, et nunc eius causa et honore non minori studio militaris operis laborabant”: Albert of Aachen, VII, 58 (*RHC, Occ.*, IV, 545). Baldwin abandoned the siege of Sidon when offered money: “anxius et sollicitus de conventione solidorum quos debebat militibus, totus pecuniae intendebat”: *ibid.*, X, 4 (*RHC, Occ.*, IV, 632–633).

16. *Ibid.*, VII, 49, 58, 61 (*RHC, Occ.*, IV, 540, 545, 547).

17. On his deathbed Baldwin I left his property “militibus quoque domesticis et advenis, et cunctis qui sibi in auxilio militari servierant in conventione solidorum”: *ibid.*, XII, 23 (*RHC, Occ.*, IV, 703–704).

18. Smail, “Crusaders’ Castles.” Obviously in Transjordan the crusaders settled in castles,

minority surrounded by a hostile majority, the crusaders concentrated their numbers in the conquered cities, often strengthening their fortifications, or erecting strong-points around the cities where such did not already exist (as in Bethsan and Tiberias). This strengthened their military position; it also facilitated the continuity of the earlier pattern of administration which, under the Byzantines and Moslems, centered on the cities. At the same time, the city offered not only security but also accommodations for the new settlers, who took over houses according to the famous "law of conquest," which accorded ownership of a given property to the first person who put his sign on it.<sup>19</sup>

Amid the general insecurity,<sup>20</sup> nobody risked leaving the shadow of the city walls without an armed escort, let alone taking up residence in the rural area. These early conditions changed in the course of time. Life became more settled, security was more assured, but even as late as 1179, when the crusader states were well established, Frankish rule in some parts of Galilee was still more nominal than real.<sup>21</sup>

Despite the growth of security there was no exodus of the knightly city dwellers to manor houses in the country. The crusaders established a manorial system entirely different from that prevalent in Europe. It was a predominantly *rentier* system based on rents and taxes collected directly from the villages and assessed on the peasants' holdings.<sup>22</sup> As a rule the Frankish landowner did not retain demesne lands of any importance, and his income came almost wholly from the *tenurae* held from him by his peasants. There was, then, little interest in the direct management of rural estates and no incentive to live in a manor house in the village or in the fief. The administration was handled by local representatives of the lord, chosen from among the native population or specially appointed, like the *gastaldiones* in Venetian properties.<sup>23</sup> The holders of fiefs, more *rentiers* than anything else, remained in cities, there receiving and consuming the incomes from their fiefs. The city-dwelling fief-holder remained the predominant type of knight in the crusader states.

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the only exception being some villages which they tried to colonize; see Prawer, "Crusader Security and the Red Sea," in *Crusader Institutions*, pp. 475-477.

19. See below, note 80.

20. Cf. the descriptions of Palestine by Saewulf and the Russian abbot Daniel in *PPTS*, IV-2, 3 (London, 1896, 1895).

21. William of Tyre, XXI, 26 ff. (*RHC, Occ.*, I, 1049 ff.).

22. Prawer, "Étude de quelques problèmes agraires et sociaux," *Byzantion*, XXII (1952), 5-61; XXIII (1953), 143-170; *Crusader Institutions*, pp. 143-200.

23. *Gastaldiones*, a word of Lombard origin, seems to have been used only by the Venetians as a name for their bailies. See the report of Marsiglio Zorzi (Giorgio) in Tafel and Thomas, II, 351 ff.

The erection of castles changed this general pattern somewhat, with some knights fulfilling garrison duties in castles though seldom making them their normal abode. Still, the crusaders' castles, with very few exceptions (smaller fortifications or observation points), were usually surrounded by real cities, as for example the mighty fortresses in Transjordan: Krak de Montréal (ash-Shaubak) and Kerak of Moab (al-Karak). Other castles, which might have been for a short time centers of lordships, became real city settlements (Ibelin, Gaza, Darum, Mirabel). On the other hand, after the middle of the twelfth century the newly built castles were almost systematically handed over to the military orders, which garrisoned them with their own knights. Even allowing for these exceptions, there is no doubt that the bulk of the knightly class lived in cities, differing basically from the nobility of contemporary Europe.

In this early period of formation of a knightly class, social mobility seems to have been characteristic. The breaking down of class barriers may have owed something to the four years' march to the east. Battles, sieges, and calamities, when horses were killed by enemy action or eaten by the starving army, often turned *milites* into *pedites*. Nor is it difficult to believe that under circumstances of chronic warfare and varying fortunes some of the *pedites* became knights. The fact that at any given moment almost everyone in the army was paid by a leader also had a leveling effect. The "law of conquest" probably had the same result. In some cases we may suspect that some of the witnesses of early royal documents were of non-noble origin,<sup>24</sup> who some years later signed their names among the *milites* on royal charters. In the fluctuating state of society, of war and death, immigration and emigration, social mobility existed *de facto* if not *de jure*.

To round out this description of the early Frankish nobility a few remarks should be made about their economic status. As suggested above, Godfrey of Bouillon and Baldwin I were tight-fisted about creating fiefs, especially seigneurial fiefs. They preferred to assign city revenues rather than territory to their vassals. This was probably also true, though to a lesser degree, with respect to the creation of fiefs out of the royal domain. It is more than likely that the simple knight living in Jerusalem, Acre, or Tyre preferred to receive his salary directly from the royal exchequer or from one of the royal revenues (market tolls, city gate taxes, or the like), than to bother supervising and collecting dues from an outlying farm or village. Hence

24. See below, p. 159.



the characteristic money-fief, *fié en besanz*, was the usual type of feudal tenure. What had once been a salary on a contractual basis became in time the normal type of fief. Such an arrangement suited lord and vassal alike. The former, especially in the maritime cities, could easily pay his knights out of revenues from the port, market, or other monopoly. The latter, living in cities in surroundings of an evident money economy, must have found such an arrangement most welcome. The crusaders' feudal jurisprudence accorded the same social standing to the holders of a *fié en besanz* as to those of land fiefs,<sup>25</sup> and consequently no sense of degradation, because of being salaried rather than enfeoffed, disturbed the knight.

Another kind of property also came into the hands of the knightly class. City property, courtyards and houses, are often found in their possession. Some were held as allodial property, some as *borgesie*, some as parts of fiefs. The same is true of land in the immediate vicinity of the cities. This strange occurrence of allodial holdings in a land supposed to be a "paradise of feudalism" was one of the results of the original "law of conquest."<sup>26</sup> It reflects an early stage of organization when property could be had for the asking, especially in the depopulated cities.<sup>27</sup> As for the *borgesie* tenures in the hands of knights, well attested by our sources, they may have been the result of intermarriage between knights and non-nobles, the consequence of a shortage of women in the early settlement as well as the coexistence of the two classes in the cities. The *borgesies* probably constituted parts of the dowries of burgesses' daughters which passed with the hand of the heiress to her husband.<sup>28</sup> This suggests less a rigid class distinction than a fairly high social mobility in the population of the crusader states.

Under Baldwin II (1118-1131), however, and even more so under Fulk (1131-1143) and Baldwin III (1143-1163), a group of knights began to be distinguished from their erstwhile fellows. The necessity to rule the country in a feudal framework led to the creation of lordships granted by the king and princes to some of their vassals. Some lordships probably represent independent conquests, which the crown

25. Noted by Prutz, *Kulturgeschichte der Kreuzzüge*, pp. 182 ff.; cf. LaMonte, *Feudal Monarchy in the Latin Kingdom*, pp. 143 ff.; Praver, *The Latin Kingdom*, pp. 126 ff.

26. Praver, "The *Assise de tenure* and the *Assise de vente*," pp. 77-87. Burgage tenure may have been created by the same process; see Praver, "Burgage-Tenure," in *Crusader Institutions*, pp. 250-262.

27. Praver, "The Settlement of the Latins in Jerusalem," pp. 490-503.

28. The knights naturally tried to acquire *borgesies*, since they were not burdened with military service; see above, note 26, end.

then incorporated into the framework of the feudal state as fiefs held from the crown.<sup>29</sup> The result was the emergence of a baronage distinct from the general body of knights. It was some time in the making. For more than a generation we cannot trace any regular succession in the great fiefs, either in Jerusalem, in Tripoli, or in Antioch.<sup>30</sup> Deaths from warfare and disease were common, and the newly conquered and thinly occupied lands could not yet boast large families. Fiefs were allotted to men of merit but often escheated to the crown when there were no heirs to claim them. In these circumstances, although a baronage was evolving, it had not yet crystalized into a class. The real power remained with the royal house, still the only real dynasty in a fluid society. It was the king who enfeoffed lordships acquired by conquest or escheat, creating a baronage dependent upon his authority.

By 1130, however, there were signs of a process of stratification within the nobility as this baronage became more coherent. It comprised the great tenants-in-chief, who soon succeeded in becoming hereditary holders with the status of *seigneurs justiciers* in their respective lordships. It is not clear whether there were any principles which determined the status of a fief as being an independent barony with its own seigneurial jurisdiction or as a fief within the domain of the crown. It was probably a matter of common understanding that any large fief with a city as capital was in fact a barony. In the middle of the twelfth century more than two dozen such baronial fiefs existed in the kingdom, and their tenants can be regarded as a baronage, an upper nobility.

A whole set of assises promulgated at this time definitely served the interests of the new class. Early legislation of the first half of the twelfth century had aimed at creating a large and solid knightly class to assure thereby the existence of a strong military class owing service to the king and the princes. Women had been allowed to succeed to fiefs almost immediately after the conquest.<sup>31</sup> Fiefs became hereditary very early even in the collateral branches of a family,<sup>32</sup> but could not pass to an already enfeoffed knight if his younger brother

29. Thus Bethsan and Tiberias were private conquests of Tancred (as was Bethlehem). He tried to create an independent principality of Galilee with Tiberias as its capital and Haifa as its main port. This conquest was incorporated into the kingdom under Baldwin I. Its holders continued, however, to hold the title of "prince."

30. The difference between the king's authority in Jerusalem and the prince's in Antioch has often been stressed, but is certainly exaggerated as far as the early period is concerned.

31. Philip of Novara, cap. 71 (*RHC, Lois*, I, 542).

32. *Idem*, cap. 66 (*ibid.*, I, 537); John of Ibelin, cap. 15 (*ibid.*, I, 233, 235).

or any other member of his family in line of succession was not yet provided for.<sup>33</sup> The emergence of a new baronial class was accompanied by far-reaching changes in this early legislation. It is possible that a twelfth-century assise which cannot be dated with more precision, requiring that a lord should retain a greater portion of his whole fief than the total of its subinfeudated parts,<sup>34</sup> is already a sign of the growing power of the baronial class. The purpose of the assise was to prevent the fragmentation of family holdings. It may have been the first step toward creating entailed estates. Even more important was the assise that changed the rules of succession, permitting the concentration of an unlimited number of fiefs in the hands of one person.<sup>35</sup> This laid the basis for accumulating landed property and concentrating power in the hands of an upper nobility. The results were immediately felt in the kingdom of Jerusalem, although we do not know the effect in Antioch or Tripoli. As a matter of fact we do not even know whether this assise was ever adopted by the principality or county.

Even more remarkable was the curtailing of the royal prerogative in noble wardships. A noble widow was usually married off to a knight proposed to her by the king, who could thereby assure himself of the feudal services. Probably around the middle of the twelfth century—we cannot be more precise—under the pressure of the nobility, the king agreed to propose to a widow three candidates for her hand and fiefs. The upper nobility, or magnates, would not accept even this conciliatory step. The lady might refuse all three candidates if there was the danger of a *disparité*.<sup>36</sup> In other words, the magnates now regarded a marriage to a knight less wealthy than the heiress as a *mésalliance*. There was therefore not only the growing self-consciousness of a nobility, exemplified in such assises as that which prohibited the arrest of a knight for debts (whereas a burgess could be not only arrested but compelled to work in prison to pay off his debts),<sup>37</sup> and the assise of Bilbais (probably 1168), which allowed a noble to remain on horseback when besieging a city,<sup>38</sup> but there was also the growth of a particular self-consciousness on the part of the magnates. The new laws of succession and wardship aimed

33. Philip of Novara, caps. 68, 71 (*ibid.*, I, 538, 542); John of Ibelin, caps. 148, 187 (*ibid.*, I, 223–224, 297–299).

34. *Livre au roi*, caps. 38, 46 (*ibid.*, I, 633–634, 640); Philip of Novara, cap. 81 (*ibid.*, I, 553–554); John of Ibelin, caps. 142, 143, 148, 150, 182 (*ibid.*, I, 216–217, 223–227, 284–285).

35. Philip of Novara, caps. 67–70 (*ibid.*, I, 538–541).

36. *Idem*, cap. 86 (*ibid.*, I, 558–560).

37. John of Ibelin, cap. 188 (*ibid.*, I, 300–301).

38. *Ibid.*, I, 455, note c.

at creating an exclusive class, in a position to bar from its ranks both the simple knight and the immigrant from abroad.

The emergence of this baronial class is emphatically signaled as early as 1132 by the first baronial revolts against the crown. The attempts of Hugh II of Le Puiset, lord of Jaffa, and Roman of Le Puy, lord of Transjordan, to rebel against the king, although unsuccessful, indicate a major change in the standing and attitude of a class of nobles previously homogeneous. In the middle of the twelfth century this upper nobility actively intervened in the quarrel of succession between Baldwin III and his mother Melisend, and became a strong political faction during the reign of Baldwin IV (1174–1185).

The status of the simple knights was not unaffected by all this. They certainly did not gain in power or position — quite the contrary. Their dependence on seignorial power became increasingly marked. This may have been partly because the generation of conquerors who could boast of participating in the First Crusade and the conquest was gone; it was also because a stronger organization of fiefs inside the baronies brought a stricter organization of vassalage. The economic position of the knights was never a comfortable one. The inventory of the fiefs of the kingdom, which dates from about 1170, gives a total number of 675 knights serving the king.<sup>39</sup> About forty percent came from the royal domain, the remaining sixty percent from the different lordships. It is only for the royal domain that the details of service are indicated. Excepting the fiefs of the great officers (chamberlain, constable), and the fiefs of important persons which remained in the domain (the viscount of Nablus and the fief of Balian II of Ibelin in Nablus), we find 59 knights serving “with their body,” possessing fiefs *unius militis*; 16 knights serving with one vassal each; 8 knights with two vassals; 6 knights with three vassals; 2 knights with four vassals; 2 knights with six vassals; and one knight with seven vassals. The predominance of simple knights, those serving *de leur corps* or with a single companion, is a typical feature of the class. No less distinctive is the truncated feudal pyramid. In most cases there is a direct enfeoffment from king to simple knight, or in some cases a subinfeudation of two degrees. In both cases there is an almost direct contact between king and knight. Although we have no such statistics for the independent lordships, there is no reason to suppose that the situation was much different. One example which we know in detail, the lordship of Arsuf in the middle of the thirteenth century, reveals

39. John of Ibelin, cap. 271 (*ibid.*, I, 422–426). The estimate is that of Smail, *Crusading Warfare, 1097–1193* (Cambridge, Eng., 1956), p. 89.

a similarity of pattern between the organization of the royal domain and that of the lordships.<sup>40</sup>

Another feature was important in defining the status of the knightly class. It is impossible to say how many knights held land fiefs and how many were in fact salaried warriors.<sup>41</sup> It is hardly imaginable, however, that the possession of a money-fief did not have an effect on the knights as a class. In the first place, it was small. The value of a money-fief was between 400 and 500 bezants a year,<sup>42</sup> rather modest if we consider that the daily pay of a mercenary knight was 1 bezant (365 a year).<sup>43</sup> On the other hand, the possession of a territorial fief tended to create a type of "squire," a landowner ruling his peasants and possessing what Marc Bloch has called the *droit de commandement*. The continuous exercise of this right created a particular type of aristocracy in the west, contributing to a sense of independent judgment and behavior, and giving reality to the notion that the lord and his vassals were peers with reciprocal duties, allowing for the special respect due the lord from his vassal. In the east, however, the prevalence of money-fiefs, their smallness, and their concentration in cities must have minimized the economic differences between the simple knight and the burgess, and diminished the political importance of the simple knights as a class.

Given Philip of Novara's three classes of nobles, one might well ask if there was a distinguishable group of nobles midway between the magnates and the simple knights. The great majority of enfeoffments were made directly by the lord possessing a barony to simple knights.<sup>44</sup> An intermediate class of barons certainly existed, but it

40. Delaville Le Roux, *Cartulaire*, III, 6-7 (no. 2985). Cf. Prawer, "Étude de quelques problèmes," pp. 23 ff.

41. In the above-mentioned case of Arsuf, only one man out of six knights and twenty-one sergeants held a territorial fief. Moreover, a large number of money-fiefs were paid not in money but in agricultural produce.

42. Philip of Novara, cap. 67 (*RHC, Lois*, I, 538); cf. *L'Estoire de Eracles empereur*, XXVI, 12 (*RHC, Occ.*, II, 192); *Livre au roi*, cap. 34 (*RHC, Lois*, I, 629-630).

43. Cf. Prawer, "La Noblesse et le régime féodal," pp. 60 ff.

44. The word "baron" is often ambiguous. Take, for example, the three documents written on the same day by the same clerk dealing with the alienation by Hugh of Ibelin of a village which he held from Amalric, count of Ascalon (the future king of Jerusalem), to the canons of the Holy Sepulcher. The deed of alienation, Amalric's confirmation, and king Baldwin III's confirmation are witnessed by almost the same people. But whereas in Hugh's deed all nobles are classified as *de baronibus*, and in Amalric's confirmation *de baronibus regis*, we find in the royal confirmation a distinction between *de baronibus regis* and *de hominibus regis*, both groups including individuals who in the other documents were described as barons; Rozière, *Cartulaire*, nos. 62, 59, 56 (January 1155 or 1156, in Ascalon). In another royal confirmation the witnesses are grouped under the common heading *de baronibus vero et de hominibus regis*; *ibid.*, nos. 57, 51 (1160). On the other hand, there seems to be a clear distinction between liege-

was very small and its position did not assure it any influence in the feudal hierarchy.<sup>45</sup> Generally speaking, there were only two major elements in the nobility: the seignorial class, or magnates, comprising in the middle of the twelfth century some two dozen families, and the great mass of simple and dependent knights.

A major change in the social position of the nobility as a whole and of its two major components took place in the second half of the twelfth century. The famous *Assise sur la ligèce* of king Amalric (1163–1174)<sup>46</sup> represented an attempt on the part of the crown to strengthen its position by bringing it into closer contact with the knights of the kingdom. But the attempt to weaken or circumvent the power of the baronage came too late, and the dependence of the knights was already too great to permit a major change. The assise theoretically should have enabled the subvassals, usually simple knights, to participate in meetings of the high court, previously a monopoly of the great tenants-in-chief, and should also have prevented arbitrary confiscations of their fiefs by their immediate lords. It did not have the expected results. In fact, it was the crown which lost its own prerogative to confiscate fiefs without judgment of the high court.<sup>47</sup> From then on the king was forced to bring such cases before the peers of the accused, and it would have to be a flagrant case of treason or breach of feudal contract before they would pronounce confiscation. On the other hand, the great lords were strong enough to prevent a knight's plea against themselves from being brought into the high court. The ultimate result of the assise was the opportunity it gave the nobles to present a common front against the crown. By "conjuring" all vassals and subvassals of the crown they could request a debate of their real or imaginary grievances before the high court. Under

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men (holding land or money-fiefs) and mercenaries (who may not all have been knights); a document of Amalric mentions, among others, two sets of witnesses: *de hominibus meis* and *de stipendiariis meis*; *ibid.*, no. 60 (1158).

45. The status of men in this intermediate class was rather modest, e.g., a knight, one Isambert, who in 1135 sold a village, Arthabec, in the seigneurie of Caesarea, received 500 bezants. Walter Grenier, lord of Caesarea, his overlord, received 150, but his immediate lord, Arnulf of Haynis, received only 60; Delaville Le Roulx, *Cartulaire*, I, 97 (no. 115).

46. Philip of Novara, cap. 51 (*RHC, Lois*, I, 526–527); John of Ibelin, caps. 140, 199 (*ibid.*, I, 214–215, 319–320). On the whole problem see Prawer, "La Noblesse et le régime féodal," pp. 41–74.

47. *Établissement dou roi Bauduin segont*, in *Livre au roi*, cap. 16 (*RHC, Lois*, I, 616–617); *Les Livres des Assises et des usages . . .*, ed. Eduard H. von Kausler, vol. I (Stuttgart, 1839), caps. 234–235. On this legislation see Prawer, "Étude sur le droit des *Assises de Jérusalem*," pp. 520–551, tr. in *Crusader Institutions*, pp. 430–470. These *établissements*, usually attributed to Baldwin II, may in fact belong to Baldwin III; see Prawer, *RHDFE*, ser. 4, XL (1962), 29–42.



the circumstances the simple knights, despite their numbers, were a negligible entity with no power whatsoever. If Amalric's assise aimed to create a separate "estate" of knights, it failed completely. The knights were too dependent on their immediate lords to be able to unite in an estate. It can rather be said that the *Assise sur la ligèce*, with its procedure of judgment by peers and its "swearing-in" of all vassals and subvassals, contributed to the formal establishment of an "estate of nobles." Its mouthpiece was the high court, where the simple knights could not raise their voice except against the king at the instigation of their immediate lords.

The failure of Amalric's assise brings us to the last quarter of the twelfth century and to the end of the first kingdom. The remarkable feature of this rather short period is the strengthening of the position of the baronage of the kingdom and at the same time a marked change in its composition. The high court was at this time entirely ruled by the baronage. In times of crisis it was the decisive body intervening in matters of royal succession. If necessary, it represented the opinion of the nobility against the will of the crown. At the same time, the baronage itself was changing. Through succession to fiefs and through marriage the baronage was more and more closing its ranks. The social mobility of fifty years earlier had disappeared and the chances of a knight entering the enchanted circle of *riches hommes ou terriens* had become almost nil. Moreover, the upper nobility of the kingdom defended more or less successfully its positions against newcomers, who by the grace of the king tried to enter its ranks.

In the final years of the first kingdom the upper baronage was composed of not more than half a dozen families, all intermarried or otherwise connected with each other, to whom belonged the greater part of the kingdom. The crown tried to counter by introducing into the baronage nobles recently arrived from Europe. As the local baronage never succeeded in making the court offices hereditary, the crown still had the option of conferring these on whom it chose. But the great offices were not of paramount importance in the later history of the kingdom, when the lordships became more and more independent of the crown. The possibility left open to the king of marrying off royal daughters and heiresses of great fiefs to his favorites was curtailed by the baronage, which claimed that the king had no right to force an heiress into a *mésalliance*. The barons even went so far as to sabotage military and political efforts just to prevent the intrusion of newcomers into their ranks. In some cases they did not stop at murder to eliminate an undesirable intruder. The entrance of an alien did not always disrupt their ranks. Some of these were of mod-

est origin, often owing their career to the crown, but identifying themselves in the course of time with the magnates. A conspicuous example is Reginald of Châtillon, a noble of undistinguished background who reached the top of the feudal hierarchy through consecutive marriages with the heiresses Constance of Antioch and Stephanie of Transjordan. At the end of this period he was already an important member of the local baronage, and was accepted as such by the barons. And it would be precisely Reginald of Châtillon who would make the haughty answer to the king: "Que ausi estoit-il sires de sa terre come il [Guy of Lusignan] de la soe"<sup>48</sup> This is, in a nutshell, the new position of the upper nobility of the kingdom on the eve of the disaster of Hattin.

The fall of the kingdom and its revival following the Third Crusade created a new geopolitical framework for the Latin states in the east. Except for short periods the kingdom and the northern principalities consisted of only a long, narrow strip of the coast, which would be attacked and cut up piecemeal by Baybars and his successors, Kalavun and al-Ashraf Khalil, until its complete disappearance in 1291.

Some of the tendencies, already strong in the first kingdom, now became paramount. The city, the main residence of the conquerors even in the twelfth century, came to be their only residence (with the exception of a few castles). The European farmer disappeared entirely, although some efforts at colonization were still being made. The kingdom and its lordships comprised the cities and their immediate areas, more reminiscent of a European city *Bannmeile* than of a lordship. The thirteenth-century kingdom was the only one in Christendom where the entire ruling population was urbanized. The muddled politics of the thirteenth century can be partially explained by the fact that state politics had become city politics, not unlike the factious strife in the cities of contemporary Italy.

The growing importance of the burgesses and the communes is in some measure explained by the fact of urbanization of the entire society, and even more so by the impoverishment of the seigniorial class. The nobles lost their rural fiefs and domains, the knights their holdings. With some slight exaggeration it might be said that in the feudal system of the Latin kingdom of the thirteenth century there were neither landed nobility nor landed gentry. There were naturally differences between the lordships. While the prince of Galilee conserved his title but lost his principality (except for a short period between 1240 and

48. *Eracles*, XXIII, 23 (*RHC, Occ.*, II, 34).

1244), lesser lords like those of Arsuf, Beirut, Tyre, and Caesarea kept their castles and a few villages, or just the adjacent farms. But even their position was weakened and became precarious, especially after the middle of the thirteenth century. Financial difficulties forced many of them to sell out to the military orders, a practice already present in the twelfth century but more prevalent in the thirteenth.<sup>49</sup> Others found refuge and support in the new kingdom of the Lusignans in Cyprus. Some even used their revenues from Cyprus to maintain their mainland possessions.<sup>50</sup>

At a lower level the small group midway between the highest nobility and the simple knights found itself deprived of resources. Their standing depended entirely on their connections with the higher nobility. A man like Philip of Novara is a typical representative of this group. Through connections and services to the party in power, he had his debts paid by royal bounty and received revenues — city revenues — for his living. Finally, the simple knights, already very much dependent on their lords in the twelfth century, would now become little more than salaried knights, not to say simple mercenaries. The original feudalism based on land possession became what Max Weber would have called *Pfründe*feudalismus, based on direct payments. Nor did the payments come regularly. The knights had to use the extreme weapon of “conjuring their peers,” invoking the *Assise sur la ligèce* to assure their payment.<sup>51</sup> They were recruited and paid in the expeditions against Damietta and in the crusade of Louis IX. They were courted and recruited by the different parties during the war against the “Lombards” and during the fratricidal wars of the communes. Their maintenance was better assured during times of war than times of peace.

The general penury, especially felt in the lower echelons of the knightly class, at times must have blurred the distinctions between classes. The insistence of the thirteenth-century lawyers upon the exclusion of knights from holding *borgesies*<sup>52</sup> suggests that renting a

49. Beyer, “Die Verschiebung der Grundbesitzverhältnisse in Palästina während der Kreuzfahrerzeit,” *Palästinajahrbuch des deutschen evangelischen Instituts für Altertumswissenschaften des Heiligen Landes zu Jerusalem*, XXXII (1936), 101 ff.

50. Philip of Novara, *Estoire de la guerre*, in *Les Gestes des Chiprois*, ed. Raynaud (SOL, SH, V; Geneva, 1887), pp. 41–42.

51. John of Ibelin, cap. 239 (*RHC, Lois*, I, 383–384); cf. caps. 236–237 (*ibid.*, I, 376–382).

52. *Borgesies* in the hands of knights were already known to the twelfth-century *Livre au roi*, cap. 20 (*ibid.*, I, 619), in which there was a tendency to regard all small property as *borgesie* tenure: “chans ou vignes ou maisons”; and again (caps. 37, 43): “maisons et terres et jardins et vignes.” The Cypriote *Abrégé du Livre des Assises de la Cour des Bourgeois*, cap. 21 (*RHC, Lois*, II, 251), written between 1325 and 1350, gives a clear definition, probably no different

*borgesie*, almost free from payments to say nothing of services, was an even safer and easier way of making a living than holding a money-fief. But buying *borgesies* legally had to be done through the "court of burgesses," which with the growing spirit of legality and the interests of city lords made it difficult. Still, we do find *borgesies* in the hands of the nobility, and one of the ways of getting them was through marriage.

As has been said, the general situation of knights must have blurred class distinctions. Immediately after the restoration of the second kingdom a great jurist, Ralph of Tiberias, scion of the princes of Galilee, when asked to preside over a committee of codification, disparaged the legal knowledge of Raymond Ancaume and other "clever bourgeois and low-born men of letters."<sup>53</sup> This would change in the thirteenth century; a burgess, Raymond of Conches, would often be heard in the high court.<sup>54</sup> Marriage could also stimulate social mobility. We do not find burgesses marrying into the highest nobility, but we may assume that they intermarried with the lesser nobles. There may have been some lesson derived from this in Cyprus which led Henry II de Lusignan, king of Cyprus (1285-1324) and lately king of Jerusalem, in 1297 to prohibit the holding of *borgesies* by anyone other than burgesses.<sup>55</sup> In 1298 he issued a similar ordinance directed against the communes and the clergy.<sup>56</sup> Even more significant is an ordinance of May 1296 which proclaimed: "No bourgeois and no bourgeoisie and no merchant, whoever he may be, or of whatever nationality, should marry off his sister, daughter, or relative, which he has, to a knight or a son of a knight. And whoever does so, his body will be at the will of the king. And he will pay a fine to the amount of the dowry."<sup>57</sup> Such legislation was unknown in the kingdom of Jerusalem, where there was greater social mobility. In a country where knights and burgesses lived together and differences in wealth were slight, class distinctions tended to become blurred.

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from that used in the Latin kingdom: "borgezies qui sont dedens ville, si come sont heritages de maizons, et jardins et chans." A knight might invoke the *retrait des voisins* regarding a *borgesie* if he happened to be a neighbor of the property; if successful, however, he had to alienate it again within a year and a day after its acquisition (*ibid.*, cap. 33); cf. Prawer, *Crusader Institutions*, pp. 250-263, 327 ff.

53. "Et messire Rau respondi que de ce que il savoit ne i feroit il jà son pareil Remont Ancaume ne autre soutil borgeis ou bas home letré": Philip of Novara, cap. 47 (*RHC, Lois*, I, 521-523). Philip mentions another jurist, Nicholas Antiaume, apparently a knight (cap. 49, *ibid.*, I, 525). On the Antiaumes see Prawer, *Crusader Institutions*, pp. 280-290.

54. *Idem*, cap. 38 (*ibid.*, I, 515-516); John of Ibelin, cap. 239 (*ibid.*, I, 383-384).

55. *Abrégé du Livre des Assises de la Cour des Bourgeois*, cap. 16 (*RHC, Lois*, II, 315).

56. *Bans et ordonnances des rois de Chypre*, cap. 9 (*RHC, Lois*, II, 361).

57. *Ibid.*, cap. 5 (*RHC, Lois*, II, 359).

Not only did the political situation and its financial implications tend to bring simple knights and burgesses closer together; it also polarized the two extremes of the noble estate. Whereas the simple knight became increasingly dependent on his lord, the highest stratum of the nobility assumed effective leadership in the country. The absentee kingship of the Hohenstaufens left the kingdom under the thumb of the high court, dominated by the great families, for more than a generation. These great families, which intermarried among themselves and even with the royal house of Jerusalem and the imperial house of Byzantium, became a closely knit elite with common political and social interests. Legally there was no difference between these few families and the rest of the class of knights, but inevitably the higher nobility sought to abandon what by now was a fictitious equality and legitimize their superiority. John of Ibelin, one of the great jurists in an age of legal luminaries of law all over Christendom, invented a body of "four baronies," which never really existed, as a kind of superior estate, with the extraordinary privilege that its members could be judged only by one another, as they were the only real peers of each other.<sup>58</sup> In so doing, he perpetrated a historical crime, not the only one to be found in his treatise. At the same time, he reflects the ambition of these few select families to preserve for themselves a place unattainable by others in the kingdom.

The new situation of the kingdom influenced the general outlook of the nobility. During the two hundred years of its existence, this class could boast of a good number of real warrior heroes, but no great men of state. The realms of culture, letters, and philosophy had no representatives among them despite their contact with the Moslem world. The truly great historian of the twelfth century, probably the greatest of his time, William of Tyre, was of bourgeois origin. No schools of any importance were ever founded in the east and the contact with the eastern churches inspired neither polemics nor theology.

It was the more material side of civilization which was cultivated. The excellent military and religious architecture, erected to the glory of God and knighthood, reveals the influence of eastern models and is in many ways far in advance of European architecture. The Ibelin palace of Beirut, which took away the breath of a German ambas-

58. John of Ibelin, cap. 269 (*ibid.*, II, 417-419). See the excellent study by Richard, "Pairie d'Orient latin."

sador to the east, shows Moslem and Byzantine influences.<sup>59</sup> The descriptions of luxurious houses, the soft and rather loose ways of living, the lovely romanesque sculptures of twelfth-century Nazareth, the paintings of Bethany, the sculptured flowers of Caesarea,<sup>60</sup> the mosaics of Bethlehem, all suggest an appreciation of the arts, but at the same time indicate that the great lords, lay and ecclesiastical, had either to import architects, painters, and sculptors from Europe or recruit them from among the Syrians and Greeks. The nobles, if not fighting or hunting, enjoyed the good things of life and in times of peace indulged in the leisurely rhythm of life in the Levant. The ideal nobleman described by Philip of Novara rose early, said his prayers, attended mass (and did not leave in the middle), provided charity, and then attended to his business until noon, when all work stopped. Lunch was followed by an hour's siesta. Then came some light entertainment, after which he received others, or was received by others, until bedtime.<sup>61</sup>

There was one branch of culture, however, which not only was represented and cultivated in the Latin east, but reached an extremely high level there — feudal law. It may be said without exaggeration that all the resources of the best minds among the nobility were devoted to the study of law. True, no schools were founded. Legal lore was orally transmitted from one noble to another, and was illustrated by the functioning of the courts. Although some noblemen took to the law even in Europe (to mention only Beaumanoir, a contemporary of John of Ibelin), the Levant provides a unique example in the medieval world of an entire class addicted to the study of law. The medieval state has been called by an eminent German scholar *Rechtsstaat*, and it is certainly true enough that the specific aim of the nobility in the Latin east was the preservation of a state based on law.

This praiseworthy aim, however, consciously or unconsciously, served deeply rooted selfish interests. Constitutional law, as expounded by John of Ibelin, was distorted and deformed to tell a tale of an elected monarchy — we might even say a social contract — of a republic of nobles, of a high court ruling the country. As private law it dealt with procedure, where the knowledge of formulas and the use of debatable points of law, subterfuge, and artifice made the adjective *sub-*

59. Wilbrand of Oldenburg, in *Peregrinatores medii aevi quatuor*, ed. Laurent, pp. 165 ff.

60. Discovered during the excavations of 1959–1962. On the other hand, the most beautiful Corinthian capitals, marble columns, and stones bearing Roman inscriptions (one containing the name of Pontius Pilate) were used as foundations for houses and streets.

61. *Les Quatre âges de l'homme*, ed. de Fréville, pp. 86 ff.



*til* the highest praise for the lawyer. As personal and property law it specified in the most systematic way, far beyond anything known in contemporary Europe, the law of fiefs, but at the same time it safeguarded their possession and their possessors. This mental background, this ideology, one may say, of the feudal law as expounded by John of Ibelin, is the best expression of feudal thinking. It is the ideology of the "feudal paradise," never quite realized even in the crusaders' kingdom.

On a different level we have the work of the Gallicized Italian Philip of Novara. Lower in the social hierarchy than John of Ibelin, he describes feudal law and its procedure as it really existed in his time. Constitutional history and political theory are clearly beyond his interests. He describes his work in the third person: "And he wrote another book on the procedure of pleading [*forme de plait*] and the usages and customs of the *Assises d'Outremer* and of Jerusalem and of Cyprus."<sup>62</sup> Significantly he has to justify himself, as the counsels he gives may serve personal interests rather than the cause of justice. It is evident that a good many of his *avisées* simply facilitate evading the law. Lesser treatises, those of Geoffrey le Tort and James of Ibelin, are only convenient abridgments for everyday use, the first written by a knight of modest origin. True, the great noble houses never deviated from the common code of chivalry. Their ideas were those of their time and class. Concern for family honor appears frequently in their utterances, inspiring and regulating their actions and behavior. But the repute of their houses was often confounded with the welfare of the state.<sup>63</sup> The anarchy which prevented the rule of any monarch, whether a Hohenstaufen, or the aging Alice of Champagne, or her husband, Ralph of Nesle (or "of Soissons"), was instigated by the great *lignages* dominating the high court.<sup>64</sup> But everything had to be done in the most legal way, according to the customs, usages, and assises of the kingdom. Even a revolutionary movement like the "commune of Acre," which we may look upon as the crusaders' equivalent of an assembly of estates, took shelter under a royal privilege. The state went to pieces in a blaze of legal oratory in the high court of Acre. They were *sans peur et sans reproche*, but *prudhommes* only in the narrowest circle of their peers.

62. *Ibid.*, p. 123.

63. *Les Gestes des Chiprois*, cap. 161 (*RHC, Arm.*, II, 702-703); see Prawer, *Histoire du royaume latin*, I, 215-257.

64. Cf. a different assessment by LaMonte, "John d'Ibelin, the Old Lord of Beirut, 1177-1236," *Byzantion*, XII (1937), 417-448.

## C. The Burgesses<sup>65</sup>

Social realities and crusaders' jurisprudence excluded from the noble "estate" all Franks who were not already noble, as well as members of the Italian, Provençal, and Spanish communes. This large mass of people, who formed a broad base for the colony of European conquerors, was called *burgenses* in Latin, *bourgeois* in French. It is important to note that no chronicle of the First Crusade uses the noun or adjective *burgensis*. The perspective of their authors was defined by military matters. The social composition of the armies was indicated by references to *milites* and *pedites*. It is among the thousands of *pedites* in the First Crusade that we have to look for the elements which would later form the class of *burgenses*. Historians of the nineteenth century accepted as self-evident that the *burgenses* had originally been European city inhabitants, who came with the First Crusade, settled in the east, and were reinforced in the course of time through successive waves of immigration, generally recruited

65. The main sources are indicated above in the general bibliographical note. Of special importance is the *Livre des Assises de la Cour des Bourgeois*, ed. Beugnot, *RHC, Lois*, II. A better edition is that of von Kausler, *Les Livres des Assises et des usages du royaume de Jérusalem*, vol. I (Stuttgart, 1839; no more published); a new edition is needed. On the *Livre des Assises . . . des Bourgeois* see Prawer, "Étude préliminaire sur les sources et la composition du *Livre des Assises des Bourgeois*," *RHDFE*, ser. 4, XXXII (1954), 198-227, 358-382 (bibliography, p. 202, n. 2); revised, expanded, and translated in *Crusader Institutions*, pp. 358-407 (bibliography, pp. 408-412). See also *idem*, "L'Établissement des coutumes du marché à Saint-Jean d'Acre et la date de composition du *Livre des Assises des Bourgeois*," *RHDFE*, ser. 4, XXIX (1951), 329-351; Richard, "Un Partage de seigneurie entre Francs et Mamelouks: Les casaux de Sur," *Syria*, XXX (1953), 72-82; Cahen, "À propos des coutumes du marché d'Acre," *RHDFE*, ser. 4, XLI (1963), 287-290.

There are few special studies regarding the burgesses, but see now Prawer, "Burgage-Tenure," in *Crusader Institutions*, pp. 263-295; "Burgage-Tenures of the Communes and Ecclesiastical Establishments," *ibid.*, pp. 315-326; and "The Burgesses and Their Seignors," *ibid.*, pp. 327-339. See also E. Derazé, *Le Mariage d'après les Assises de Jérusalem* (Poitiers, 1910); Pierre Christin, *Étude des classes inférieures d'après les Assises de Jérusalem* (Poitiers, 1912); Hayek, *Le Droit franc en Syrie pendant les croisades: Institutions judiciaires* (Paris, 1925); LaMonte, "The Communal Movement in Syria in the 13th Century," *Anniversary Essays in Mediaeval History by Students of Charles Homer Haskins*, ed. Charles H. Taylor (Boston and New York, 1929), pp. 117-131; Cedric N. Johns, "The Attempt to Colonize Palestine and Syria in the Twelfth and Thirteenth Centuries," *Journal of the Royal Central Asian Society*, XXI (1934), 288-300; Prawer, "Colonization Activities in the Latin Kingdom of Jerusalem," *Revue belge de philologie et d'histoire*, XXIX (1951), 1063-1118; *idem*, "The Settlement of the Latins in Jerusalem," *Speculum*, XXVII (1952), 490-503.

from among the same social elements. The name "burgesses," coined in Europe, was thought to have been imported into the Latin east along with European townsmen. The theory is difficult to accept. The sources of the First Crusade hardly ever mention the *pedites* in any way that might suggest their origin. They are referred to in general terms,<sup>66</sup> the purpose being to impress the reader by the immense number of crusaders, and perhaps also to stress the fact that all classes of society and many nations participated in the movement.<sup>67</sup> Furthermore, the general condition of the countries from which the crusaders came hardly suggests an urban origin for the non-noble participants. Two factors contradict such an assumption. First, the number of urban agglomerations of any size in the eleventh century in Europe was extremely small. Aside from northern and central Italy, which contributed only a few small contingents from Lombardy<sup>68</sup> besides those who participated in the expeditions of the communes and consequently were not included among the burgesses, only Flanders and Provence had urban centers of any importance. This alone makes it unlikely that any appreciable proportion of the thousands of *pedites* could have originated in a few dozen urban centers. Moreover, only a very few western towns could boast of a population exceeding several thousand inhabitants. At the end of the eleventh century the populations of most western towns could be counted in hundreds. It is therefore out of the question that these towns could have furnished thousands of emigrants to the east.

We must also take into account that the end of the eleventh century and the beginning of the twelfth witnessed a spectacular social and economic evolution, the rise of cities. Underlying this was a demographic growth in the countryside and the integration of the surplus population either in the movement of internal agricultural colonization or in the new movement of urbanization. The growth of cities was an uninterrupted process lasting something like two centuries. In these circumstances it is rather doubtful that they were centers of emigration. For two hundred years cities would draw people from rural areas; it is difficult to assume that they lost population in any great numbers through emigration at the same time. It hardly seems likely, therefore, that any sizeable European city population went to the east during the two hundred years of the Latin kingdom's existence, and certainly not during the First Crusade. Of course, there

66. Cf. Ekkehard, IX (*RHC, Occ.*, V, 18): "tot legiones equitum, tot turmas peditum, totque catervas rucolarum."

67. Typically, Fulcher of Chartres, I, 13 (ed. Hagenmeyer, pp. 4-5).

68. The great expedition from the Lombard cities in 1101 did not reach the kingdom.

was some sporadic participation of townsmen in the crusades, but it was not from these that the great crusading armies were recruited, nor they who contributed significantly to the movement of emigration to the east. Finally, the popular element, the armies of Peter the Hermit, Gottschalk, and their companions, did not contribute much to the actual settlement in the east. These armies were destroyed in 1096 before reaching Syria. The majority of those who in fact reached the future lands of the crusaders came with the great barons. While there were urban groups which joined the Peasants' Crusade during its march along the Rhine and the Danube (in several cities the townsmen participated in the Jewish massacres), the proportion of townsmen in the baronial hosts was too small to mark the early crusading settlements with a European urban imprint.<sup>69</sup>

We have then to imagine the earliest non-nobles in the crusading army and in the newly conquered lands as having an essentially rural, peasant background. Here and there household servants of the nobility or servants of knights went with their lords to the east. Others came from villages and manors in the neighborhood of the centers of crusading propaganda. The predominance of the rural element in the host goes far to explain the lack of craftsmen, carpenters, and smiths during sieges of cities. For example, the army besieging Jerusalem was unable to build siege towers and machinery until the arrival at Jaffa of Genoese ships bearing materials and craftsmen experienced in the more complicated skills of construction.<sup>70</sup>

During the crusade itself the *pedites* were not organized or dealt with in any special way. Repression of excesses must have been made summarily by the leaders of the different armies, which would have been sufficient to meet the needs of an army on the march. Only with the first conquests and settlement did the problem of the non-noble Frankish population as a class become pressing. The sheer weight of numbers, combined with traditional European class attitudes, necessitated some kind of organization. But it would be wrong to suppose that there existed any consciousness of the Frankish non-

69. Those known to us as *burgenses* almost never have city patronymics. They often have a bizarre or ridiculous surname, sometimes the name of the province of origin. Normally, the Christian name is followed by the father's name, usually in the genitive, which sometimes becomes a surname.

70. Caffaro di Caschifellone, *De liberatione civitatum orientis*, IX (*RHC, Occ.*, V, 57); Raymond of Aguilers, cap. 20 (*RHC, Occ.*, III, 298); William of Tyre, VIII, 9 (*RHC, Occ.*, I, 338): "Erant enim viri prudentes, et, nautarum more, architectoriae habentes artis peritiam . . . Sed et alia multa . . . secum attulerant argumenta; ita ut quod ante eorum adventum vix et cum difficultate sperabatur effectui posse mancipari, per eorum operam facile compleretur."

nobles as a class or "estate." The kingdom was *in statu nascendi* as late as the time of Baldwin II. Private conquests, like those of Tancred, had only just been integrated with some difficulty into the general framework of the kingdom. Although the basic distinction between nobles and non-nobles was clear, there was little feeling of dealing with a corporate "estate" within the framework of a state. Whereas feudo-vassalic organization was the basis of the state structure, there remained the problem of assigning to the Frankish non-nobles an appropriate status in the different places conquered and held by the Franks. What probably happened was that solutions first tried and empirically established in Jerusalem were later transferred to royal cities like Acre, and finally copied in other cities that became centers of lordships.<sup>71</sup>

Whereas the *milites* found their earliest organization and consolidation in the traditional baronial court, to which they owed obedience through their oath of homage and fealty, no such organization or tradition existed for the others. The only tradition which the crusaders brought with them for dealing with such people was that of the manorial court. This kind of court was hardly satisfactory in the new circumstances, although some of its principles might have influenced the organization of the special burgesses' jurisdictions. The new needs were perhaps neither very urgent nor very clear at the outset. For more than ten years (1099-1110) the colonies of the crusaders were in a state of continual warfare, when any battle might easily have ended with the destruction of the entire kingdom. A special jurisdiction regarding *pedites* in the army probably remained more urgent than the kind of organization more appropriate to a settled society at peace.

The earliest legislation, as far as is known to us, deals with feudal matters, although some royal ordinances, like that about property laws in the city of Jerusalem, deal with vassals and burgesses alike.<sup>72</sup> Such an ordinance seems to be symptomatic for the early period. It is essentially a city bylaw, to use a modern notion, relating to Jerusalem alone, which did not prevent it, because of its royal origin, from being called an assise. But in the course of time, there arose the need

71. The tendency to see a corporation or "estate" derives from the *Livre des Assises . . . des Bourgeois*. These assises were not composed, however, before the middle of the thirteenth century, in Acre. By that time there may actually have been an "estate," but such is not the case for the early period of the kingdom. It may have been different in Antioch, where the great cities belonged to the prince and a general conception of dealing with an "estate" may have originated in the court of the principality, but I doubt it.

72. Cf. Prawer, "The Settlement of the Latins in Jerusalem," pp. 490-503; *idem*, "The Assise de tenure and the Assise de vente," pp. 77-87.

to define the standing of the burgesses as a social and juridical entity. Three factors seem to lie at the basis of defining the place of Frankish non-nobles in society: their number; the fact that they lived alongside nobles within the city; and their particular occupations—in crafts, commerce, and services which lay outside the interests of seigneurial courts. We do not know when the earliest burgesses' jurisdiction was established. But although the tradition reported by John of Ibelin of two courts, feudal and burgess, established by the legendary law-giver Godfrey of Bouillon, has to be rejected, it seems likely that the first special non-noble courts were established very early in the twelfth century.

These courts probably grew up around the first castellans or viscounts (the term for the lord's representative ruling the city) of Jerusalem and the principality of Antioch. Their composition, though not their functions, could not have been a matter of doubt. They had to follow the rule, common to the Romano-Germanic worlds, of judgment by peers as a matter of principle. This principle, common to baronial and manorial courts alike, may well have been followed from the very beginning. It is a matter of conjecture when courts for non-nobles came into existence.<sup>73</sup> We may suppose that around 1110, at the end of the great period of expansion, it became a matter of necessity to organize city life within the framework of a specific organization.

The specific notion of a non-noble class, the class of burgesses, appears for the first time in a privilege of Baldwin I granted to the canons of the Holy Sepulcher. The king granted his *optimates*, *milites*, and *burgenses* the right to concede freely their revenues to the Holy Sepulcher.<sup>74</sup> This first appearance of the name *burgenses* seems to coincide in time with the first coalescence of a distinct class.

More often than not the appearance of a name is a clue to the origin of a class or institution, but this cannot be said about the name *burgenses*. The designation, not attested to by our sources before 1110, was not coined for urban emigrants from Europe, although the word itself was imported from Europe. Why was it used? The first reason seems to be the new social and legal status acquired by non-nobles. To join the armies of the First Crusade or a later crusade, or merely to emigrate to the east, brought about a marked change in the legal

73. On this whole problem see Prawer, "The Origin of the Court of Burgesses," in *Crusader Institutions*, pp. 263–295.

74. William of Tyre, XI, 12: ". . . Concedo quod quicumque meorum optimatum, vel aliquis militum, seu burgensium . . . de suis redditibus . . . dare eidem ecclesiae voluerit, libera sit sibi pia voluntatis executio. . . ." (*RHC, Occ.*, I, 472–474).



status of the participant. Whereas in the knightly class new links of vassalage were created, which sometimes replaced traditional connections, the basic relationship of lord and vassal did not in itself change. Among the lower echelons of society, however, a real revolution took place. The peasant, villein or serf, who joined the host became *ipso facto* a free man. All marks of servitude disappeared; the heterogeneous mass of villeins became entirely free. The great host of *pedites* were consequently called *liberi homines* or *franci*. This last term was already used to designate everyone in the army, witnessing to its ethnic origin. On the other hand *liberi homines*, although juridically correct, quite often at the end of the eleventh century meant not only free men, but sometimes knights, people free from any kind of servitude.

It might have been to avoid confusion that the name *burgenses* was used. This was the usual designation of the inhabitants of *burgi* or *borcs*, new urban agglomerations just coming into being and inhabited by a new free but non-noble population. As a matter of fact the *burgi* were almost the only places in western Europe where such a population could be found. Drawing upon European traditions and experience, in all probability from France (Normandy and Flanders, but also Norman Italy), such a designation seemed to be appropriate and acceptable. Then, too, the entire Frankish population in the east settled in cities, which, if they were not *civitates*, bishops' sees, would be called in European usage *burgi*, as opposed to *urbes* or *oppida*. Consequently, as a designation for a free, non-noble class the name *burgenses* was quite appropriate. But from the outset it had a different meaning from the one it had in Europe. It not only excluded nobles, as it was meant to from the beginning, but it also excluded all non-Franks, even if they were city-dwellers. The "burgesses of Jerusalem" never included the local Syrian Christian population, but was a term applied only to the Franks.<sup>75</sup> The *cour des bourgeois* was a strictly Frankish court, judging Syrians only in exceptional and well-defined cases.

Later sources, although probably reflecting earlier legislation, pro-

75. Whenever we meet Syrian Christians having the status of *burgenses*, we must assume that they were converts to the Roman creed, e.g., Şalibah, *civis Acconensis*, whose testament (1264) proves that he was a Catholic and indeed a *confrater* of the Hospitallers; Delaville Le Roux, *Cartulaire*, III, 91-92 (no. 3105). See Richard, "La Confrérie des Mosserins d'Acre et les marchands de Mossoul au XIIIe siècle," *L'Orient syrien*, XI (1966), 451-460. See also a Latin inscription bearing the name of an eastern Christian, in Johns and Na'im Makhoul, *Guide to Acre* (Jerusalem, 1946), p. 92; Cahen, "Une Inscription mal comprise concernant le rapprochement entre Maronites et croisés," in *Medieval and Middle Eastern Studies in Honor of Aziz Suryal Atiya*, ed. Sami A. Hanna (Leyden, 1972), pp. 62-63.

claimed as a fundamental principle that the burgesses were excluded from holding fiefs.<sup>76</sup> This meant that they were restricted to owning non-feudal land, land owing no military service. This legislation, following European usage and answering local needs to reserve enough land to provide for military service, reflected a chronic shortage of fighting manpower. The military obligations of the burgesses were met in a different way, without infringing on the limited land resources. The typical landed property of the burgess, therefore, was city land and some very small holdings in the immediate vicinity of the city. These holdings were called *borgesie* (*burgisia*). The characteristic feature of this kind of tenure was its complete freedom from any kind of feudal service, the land being burdened only with a quit-rent (*cens*) payable to the lord from whom it was held. Its alienation by sale, gift, or exchange required the approval of the lord, represented by his viscount or chatelain, who had a right to a customary small payment on such occasions. Free from feudal service and from servile exactions alike, the *borgesie* was, with the exception of the allod, the nearest thing to free property that existed in the central period of the Middle Ages. Its standing in the hierarchy of land tenures corresponded to the social and juridical status of the burgess, neither knight nor serf. One is even tempted to ask if the *borgesie*, well known in the early twelfth century in Normandy, Flanders, and Sicily,<sup>77</sup> preceded the name *burgenses* in the east—if the tenure itself suggested the name—but this is a hypothesis that would be difficult to prove or disprove.<sup>78</sup>

The emergence of the *borgesie* is important as providing the earliest economic basis for a burgess class. The massacre or expulsion of the natives during the conquest had left the cities almost empty, and the conquerors had the greatest difficulty in providing for their settlement and defense. We know that in Jerusalem the new Frankish population settled in one quarter of the city only, the quarter around

76. John of Ibelin, cap. 249 (*RHC, Lois, I, 397-399*).

77. Cf. Robert Génestal, *La Tenure en bourgage dans les pays régis par la coutume de Normandie* (Paris, 1900); Guillaume Desmarez, *Étude sur la propriété foncière dans les villes du moyen-âge et spécialement en Flandre* (Paris and Ghent, 1898); Morley de Wolf Hemmeon, *Burgage Tenure in Medieval England* (Cambridge, Mass., 1914).

78. Cf. John of Ibelin, cap. 24 (*RHC, Lois, I, 47*): "De quoi [borgesie] l'on ne deit plaideer que en la Court de Borgesie." He defines the rights of a seigneur as: "court, coins, justise," as compared to the "court de borgesie et justise": cap. 270 (*ibid.*, I, 419-421). In both cases, it seems, it is the type of tenure rather than the status of men that is important. Cf. also *Abrégé du Livre des Assises de la Cour des Bourgeois*, cap. 21 (*RHC, Lois, II, 251*): "Tout premierement en ladite court se uze et se doit uzer de toutes manieres de bourgesies; et je crois que ce est unes des chozes pourquoi ceste court a esté apelée la Court de la Bourgezie, volés la Court de Borgois."

the Holy Sepulcher, not being able to populate the city as a whole. As late as 1115–1116 king Baldwin I of Jerusalem brought in settlers from Transjordan, assigning to them the old, now empty Jewish quarter, which under the crusaders became the Syrian quarter. The situation was no different in places like Ramla, where only part of the ancient city was inhabited,<sup>79</sup> although it was better in some coastal towns where it was easier to make a living.

It is against this background of half-empty cities immediately following the conquest that the first tenures were created. The first city property was created through the “law of conquest,” which was still in use as late as the middle of the thirteenth century. The first person to put up a sign on a house or property in a captured city automatically became its proprietor.<sup>80</sup> This is probably the origin of the Provençal quarter, near the gate of Zion, which had been captured by the army of Raymond of St. Gilles.<sup>81</sup> In the vicissitudes of war many a former serf suddenly found himself the proprietor of houses and land.<sup>82</sup> Some of them did even better; like some knights of modest origin, they acquired not only houses and city property, but even villages. A number of villages and farms in the vicinity of Jerusalem are known by the name of their Frankish occupants, who were petty knights and burgesses well known in the city itself.<sup>83</sup> We should not, however, exaggerate the value and importance of these holdings. We have to remember that at a time when land and houses were to be

79. Prawer, “Colonization Activities,” pp. 1063–1118.

80. The creation of seigniorial property is described by Raymond of Aguilers, cap. 20 (*RHC, Occ.*, III, 292): “Erat enim consuetudo inter nos, ut si aliquis ad castellum vel villam prior venisset, et posuisset signum cum custodia, a nullo alio postea contingebatur”; cf. *ibid.*, cap. 14 (p. 275). Fulcher of Chartres, I, 29, describes the taking possession of city property: “ingressi sunt domos civium rapientes quaecumque in eis reppererunt: ita sane, ut quicumque primus domum introisset, sive dives sive pauper esset, nullatenus ab aliquo alio fieret iniuria, quin domum ipsam aut palatium, et quodcumque in ea reperisset, ac si omnino propria, sibi assumeret, haberet et possideret. Hoc itaque jus invicem tenendum stabilierant. Unde multi inopes effecti sunt locupletes.” Cf. Albert of Aachen, VI, 23 (*RHC, Occ.*, IV, 479).

81. Porta Belcayre (Beaucaire). Cf. L. Hugues Vincent and Félix M. Abel, *Jérusalem: Recherches de topographie, d'archéologie et d'histoire*, II, *Jérusalem nouvelle* (by Abel; Paris, 1926), p. 945.

82. This may have inspired the comment by Fulcher of Chartres, III, 37 (about 1124–1128): “hic iam possidet domos proprias et familias quasi iure paterno et hereditario. . . . Qui erat alienigena, nunc est quasi indigena, et qui inquilinus est, utique incola factus.”

83. West of Jerusalem we find among the villages that later belonged to the Hospitallers “casale Huldre [Hulda] et de Porcel et de Gaufrido Agulle et de Anshetino et de Bacheler et de Girardo Bocher” (1141); Delaville Le Roulx, *Cartulaire*, I, 139. Porcel, Agulle (Acus), and Bacheler were without doubt burgesses. In a confirmation of Baldwin II (1129) to the Hospitallers we find other benefactors: “Ainaldus cognomine Barba dimidiam partem casalis Jebet-zah [Khirbat Jabatah] et alteram dimidiam donavit Aldeburgis, soror Lambertii cambiatoris”: Delaville Le Roulx, *Cartulaire*, I, 84.

had for the asking, and the population was extremely small, the worth of the new property lay more in the provision of comfortable quarters and shops than in its monetary value. It was only with the growing immigration of the first half of the twelfth century that city real estate rose in value.

With political stability and the establishment of an administration, the burgess holdings in the city were integrated into the larger scheme of seigneurial and urban administration. This came about through listing city property as paying a rent to the lord of the city, and making the proprietor and his property dependent on the city authorities, the viscount or chatelain (often both offices in the same hands), and the court of burgesses. This process of integration was not complete. Many *borgesies* paid no *cens* to the lord and were in fact allodial possessions. This kind of property is known in our sources as *franc borgesie* and is defined as not owing services or rents to anybody.<sup>84</sup> These allodial possessions probably represent the first property acquired through the "law of conquest." As greedy as they were, the conquerors had no use for empty spaces. They took possession of houses in a small part of the city, which they settled and defended. Some of this allodial property escaped being listed, while whatever remained unoccupied was considered the lord's property, to be donated or rented to new settlers. Such grants would be subject to a payment for *borgesie*. The lord might also keep the property, letting the houses to new settlers without alienating either his seigneurial rights or his ground rent.<sup>85</sup> By this time the *franc borgesie* had become an anachronism kept alive only by Frankish legists and in the courts.

That burgesses held city property should not lead us to look for an affluent society in the early period of the kingdom. The general poverty, marked by the precarious position of the knights who waited, often in vain, for their salaries, affected the burgesses as well. A city like Jerusalem was almost emptied by mass emigration to the coastal ports because the inhabitants could not make a living in the capital. Undoubtedly the burgesses depended largely on seigneurial bounty. The hundreds of *pedites* who took part in military expeditions were paid by the king or his vassals. A number entered the domestic service of the king, nobles, and churchmen. Military spoils provided an additional source of livelihood.

84. *Livre des Assises . . . des Bourgeois*, cap. 31 (*RHC, Lois, II, 36*): " . . . se celui heritage est en la terre dou rei et en rende cens. . . . Mais ce la terre ou la maison est franche, ce est qu'ele ne rende point de cens au rei ne à autre, qui que se soit." Cf. Philip of Novara, cap. 78 (*RHC, Lois, I, 550*).

85. The lord will then be both *seigneur justicier* and *seigneur foncier*.

It was only later, roughly after 1110 when almost all coastal cities but Tyre and Ascalon had been taken, that the young state entered upon a period of stability. The spectacular victory of the crusading armies and the slow but steady extension of the frontiers set off a growing immigration from Europe. Religious aspirations, economic calculation, social expectations, and, last but not least, public opinion directed settlers to the Holy Land. The non-noble immigrants seem to have been largely recruited from the southern parts of France, probably because newly opened maritime lines of communication facilitated emigration from areas adjacent to the Mediterranean.<sup>86</sup> The growing stability and the increase in population were reflected in the economic activities of the burgesses, including the arts and crafts, and a local commerce in food, baking, cooking, and so forth. The burgesses became real city dwellers, fulfilling economic functions typical of city life. For the great majority this was a revolutionary change in occupation and habits. Coming predominantly from rural areas, they possessed some knowledge of such primary crafts as carpentry and forging, but what was good enough for small villages in Europe looked primitive indeed when compared with the skills of easterners. Some crafts common in the east, like mosaic paving, were almost entirely unknown to the newcomers. Masonry, in demand in the west only for palaces and churches, was now needed for the simplest buildings, because of the scarcity of wood and the abundance of stone. But the Franks were quick to learn and to adapt. We shall probably have to look to the Christian Syrians (since the Moslem and Jewish populations in the cities were generally exterminated) for the teachers of the new crafts developed by the Franks. In some arts they would do better than their teachers; their ironwork would be admired by the Moslems. Other occupations developed with the growing immigration and pilgrimage. In Jerusalem there was a whole street taken up by cooks catering to the bachelors and pilgrims in the city.

Yet the class of burgesses achieved no real position of influence before the middle of the thirteenth century. Though their starting point was more propitious than that of their European contemporaries, owing to the flourishing coastal cities and ports and the fact that the kingdom implanted itself in the midst of an advanced money economy, the burgesses as a class never reached economic or political preëminence. This was because of the dominating presence of the commer-

86. A list of burgesses in one new settlement, Mahumeria (al-Bīrah, La Grande Mahomerie), near Rāmallāh, to the north of Jerusalem (about 1156), included a substantial number of southerners from Auvergne, Provence, Burgundy, Gascony, Limoges, Poitou, Tours, Bourges, Catalonia, Valencia, Lombardy, Venice, Barletta, etc.; Rozière, *Cartulaire*, no. 131.

cial communes. It was almost inevitable that the merchants of Italy,<sup>87</sup> and later of Provence and Spain, would monopolize almost at once the most lucrative occupation, international maritime commerce. Experienced merchants and almost the only shipowners among the Franks, they extended their commercial activities, which already connected the Byzantine empire and Egypt with Italy, to the Syrian and Palestinian coasts. This may have been more important to Syria and Palestine than to the Italian communes themselves. Their main activities, growing in unprecedented measure during the twelfth and thirteenth centuries, remained essentially centered in the great emporia of Constantinople and Alexandria. Relative newcomers to the eastern part of the Mediterranean, like the Genoese and Pisans, may for a time have favored the crusaders' ports, but economic realities made them come to realize that fortunes could more easily be made in Byzantine and Moslem than in Latin ports. But although Mediterranean commerce remained based on the old centers, the communes in the Latin ports monopolized the commerce reaching the crusaders' states. The local burgesses had to resign themselves to the local market only, and even here they were generally handicapped by Italian competition.

The Italians boasted a long list of political and economic agreements with the kings of Jerusalem, the princes of Antioch, and the counts of Tripoli, and later on with the different city lords, which assured them exceptional privileges in customs and market tolls. As far as we can determine, the local authorities never made the distinction, current in Europe, between wholesale and retail trade. Both were consequently left in the hands of the Italian merchants, enjoying low customs duties and city tolls. This undermined the burgesses even in the retail commerce of imported goods. Their business shrank to local traffic in products of daily use, to buying and selling foodstuffs and supplying the everyday needs of a growing city population and a knightly consumer class which drew little but primary foodstuffs from its landed possessions. This modest economic position was not improved by the rise in value of city real estate. The burgesses often had their own houses, for which they paid a modest rent,<sup>88</sup> but they

87. In particular Pisa, Genoa, and Venice. Amalfi, the great power in Levantine commerce before the crusades, had very few privileges in the kingdom. Later Marseilles, Montpellier, and Barcelona succeeded in getting a foothold in the Latin east.

88. Several rent-lists are preserved in our sources. Cf. an inventory of the canons of the Holy Sepulcher in Jerusalem; Rozière, *Cartulaire*, no. 185 (pp. 329-330); of Hospitallers in Jerusalem in Paoli, *Codice diplomatico*, I, 235-236 (no. 190). According to this inventory, written about 1170, the very modest sum of 224 bezants was paid annually by 42 inhabitants. Other inventories are preserved for the city property of the communes in Acre and Tyre.



would hardly have seized houses and lands, when such was still possible, not needed for immediate use. Formerly empty spaces and unoccupied houses belonged to the lord of the city. If anyone became rich because of the rise in land values, therefore, it was not the burgesses, but the various city lords. Still, it may be assumed that some initial capital in the hands of the burgesses was created by their possession of *borgesies*;<sup>89</sup> the rise of land values, the direct outcome of a growing city population, would give them the means of either acquiring additional property or establishing shops and businesses.

Acquisition of city property was facilitated by the fact that the holding of *borgesies* was restricted to burgesses. Communes, military orders, and knights were barred from such holdings. There was even legislation to prevent alienation of *borgesies* to non-burgesses.<sup>90</sup> In Cyprus, but still during the lifetime of the Latin kingdom, Henry II forced on non-burgesses the immediate sale of their *borgesies*.<sup>91</sup> Although the aim of this legislation was to ensure that knights would owe feudal duties for their possessions, which was not applicable to *borgesie* tenure, and that church establishments would not convert *borgesies* into *franc-almoign*, the result was to favor the burgesses. We know that Henry II of Cyprus angrily left the Latin kingdom when the Templars acquired a village near Acre, which had the status of *borgesie*, without his permission.<sup>92</sup>

By the end of the first quarter of the twelfth century a number of burgesses had risen above the normal status of their class. As far as we can see, this upward movement was effected through court ser-

89. Which they could alienate by observing some slight seigniorial restrictions; the lord had the right of preemption and the right to a small payment, a kind of *laudemium* or *lods et vente*, in case of alienation. The European *lods et vente* was a fiscal remnant of the old rule that alienation required the lord's agreement. As far as we know, the lord never had a right of refusal in the east, which suggests that the institution was brought from Europe in its developed form; *Livre des Assises . . . des Bourgeois*, caps. 31, 302 (*RHC, Lois*, II, 36, 224); cf. Delaborde, *Chartes*, no. 80; Rozière, *Cartulaire*, nos. 105, 110; Delaville Le Roulx, *Cartulaire*, II, 261, 782; *AOL*, I, (1881), 427.

90. *Livre au roi*, cap. 43 (*RHC, Lois*, I, 637-638). The prohibition is included in several deeds: cf. Rozière, *Cartulaire*, no. 105 (A.D. 1160); Delaville Le Roulx, *Cartulaire*, I, 491, 502 (A.D. 1186). See Prawer, "Burgage-Tenures of the Communes," in *Crusader Institutions*, pp. 315-326.

91. *Bans et ordonnances des rois de Chypre*, IX (*RHC, Lois*, II, 361). Cf. *Abrégé du Livre des Assises . . . des Bourgeois*, caps. 24, 17 (*ibid.*, II, 254-255, 249).

92. *Eracles*, XXXIV, 28 (*RHC, Occ.*, II, 474-475): "por un contens qu'il ot au Temple; por le casal de La Fauconerie [not identified], que li maistres dou Temple avoit acheté sanz seu et sanz congí dou roy d'un chevalier d'Acre . . . qui tenoit le dit casal de borjoysie, dont il ne devoit homage ne servise." Cf. Marino Sanudo, I, iii, par. XII, 4, in Bongars, *Gesta Dei per Francos*, II, 226.

vice of the various city lords. In Jerusalem, where we find the first traces of a burgess elite, we see them in the entourage of the king or his city representative, the viscount, or in the retinue of the patriarch, the lord of an autonomous quarter in the holy city with a court of his own.<sup>93</sup> Several names of burgesses appear again and again among the signatories of royal and patriarchal deeds and official proclamations.

The legal distinction between nobles and non-nobles, and the traditional European principle of judgment by peers, made a special jurisdiction for burgesses imperative. It was usual for quarrels between burgesses to come before a court composed of burgesses and presided over by the chatelain or viscount. This court also had jurisdiction in cases of alienation of *borgesies*. Even supposing that a special court of burgesses did not exist in the earliest period of the kingdom, and consequently that in the beginning a seigneurial court (perhaps with the participation of some burgesses) was the competent authority, it still would be normal for alienations to be made before burgesses, who would witness the act and attest to its legality.<sup>94</sup> There were no official registers of a court of burgesses until the crusade of Louis IX,<sup>95</sup> but any document which includes a list of witnesses provides a record of the names of those competent to testify before the court. Preceding, therefore, the first appearance of a court of burgesses as such, from 1120 on we meet with people styling themselves *idonei viri* (1120), *conventionis testes* (1134–1135), *regni testes legitimi* (1136), *pacti testes* (1136), *legitimi viri* (1144), *probi homines* (1150), and *de viris Jherusalem* (1174).<sup>96</sup> These appellations in written deeds prove that alienations of *borgesies* were recorded before a body of burgesses by 1120 and probably earlier. On the other hand, such titles as *regni testes legitimi* or *regie maiestatis iurati*<sup>97</sup> indicate a consciousness of a privileged standing in the social hierarchy of the country. This feeling is also indicated by such a title as *boni homines et legalitatis et justitie executores* (about 1146–1150),<sup>98</sup> which, as a matter of fact,

93. Praver, "The Patriarch's Lordship in Jerusalem," in *Crusader Institutions*, pp. 296–314.

94. The earliest document of alienation of city property dates from 1125. It is a kind of memorandum written by one Oger, clerk of the Tower of David (i.e., the castle) in Jerusalem. The sale was made before the viscount Anshetino, who received a payment (*rectitudo*). It was signed by twenty-one witnesses, among them the son of the viscount and a son of the seller, "qui fuit ad potationem huius rei": Rozière, *Cartulaire*, no. 103.

95. *Abrégé du Livre des Assises . . . des Bourgeois*, caps. 13 ff. (*RHC, Lois*, II, 246 ff.).

96. In the order of citation: Rozière, *Cartulaire*, no. 45; *ibid.*, no. 109; Delaville Le Roulx, *Cartulaire*, I, 97 (no. 116); Rozière, *Cartulaire*, nos. 65, 107, 115; Delaville Le Roulx, *Cartulaire*, I, 318 (no. 464).

97. Rozière, *Cartulaire*, no. 108 (A.D. 1155).

98. Delaville Le Roulx, *Cartulaire*, I, 145 (no. 184).

is an exact description of the competence and standing of the *jurés* of the court of burgesses.

The term "court of burgesses" appears for the first time in a document dated 1149 in Jerusalem,<sup>99</sup> followed in 1166 in Antioch,<sup>100</sup> 1167 in Caesarea,<sup>101</sup> and only very late, not before 1184, in Acre.<sup>102</sup> It is certainly due to chance that relatively few and rather late documents mention the court by name. But we have to remember that a register of proceedings of the court did not come into being before 1251, and even this register is lost. Our documentation derives from deeds regarding property, which later came, with the property itself, into the hands of church establishments or of communes. The court of burgesses, or the court of the viscount, was in some measure an expression of the specific needs of the burgesses, although it never became an instrument to voice their demands. Still, the judgment by peers, the special procedures, and a number of assises or customs satisfied the most urgent needs and provided some sense of a distinctive class. The court enjoyed considerable prestige and heavy penalties were imposed for contempt of the court, its viscount, and its jurors.<sup>103</sup> The city ruler would not appoint a viscount without the formal assent of the burgesses, and was also supposed to take their advice in proclaiming city ordinances.<sup>104</sup>

The court did not lead to city autonomy, but in a sense it acted as a force for consolidation. Its general supervision and policing of the city gave it the appearance of a ruling body. Its competence *ratione personae*, over burgesses, gave it the appearance of an autonomous body politic, and its competence *ratione materiae* brought before it even knights and nobles who held city property defined as *borgesies*.

The early *boni homines*, or people bearing equivalent titles, mark the first signs of a class distinction among the burgesses. It is of some interest to note that, as far as we can learn about their occupations, they are very often money-changers and goldsmiths,<sup>105</sup> that is, people of means and liquid capital. At least in the thirteenth century, the

99. Rozière, *Cartulaire*, no. 112.

100. Delaville Le Roulx, *Cartulaire*, I, 251-252 (no. 367).

101. *Idem*, *Les Archives*, no. 27.

102. *Idem*, *Cartulaire*, I, 445-446 (no. 663).

103. Philip of Novara, cap. 87 (*RHC*, *Lois*, I, 561).

104. *Livre des Assises . . . des Bourgeois*, cap. 6 (*ibid.*, II, 23). A specific feature of the court of burgesses is its relationship both with the lord who appointed the court and with the city itself. If two cities belong to the same lord, each will have its own court of burgesses; cap. 224 (*ibid.*, II, 551).

105. *Cambiatores, nummularii, aurifabri*; e.g., a deed regarding Jerusalem signed by seven people, after whose name we read: "omnes isti aurifabri": Rozière, *Cartulaire*, no. 82; cf. *ibid.*, nos. 101, 104, 84, 105; Delaville Le Roulx, *Les Archives*, nos. 25, 26.

jurors sat three days a week in court and were not salaried; this in itself presupposes that they were people of some economic standing. On the other hand it was quite customary for the lord of a city to appoint to the court men enjoying prestige among city inhabitants. Some, of course, could have acquired such prestige from the very fact of their being nominated. That some viscounts were of burgesse origin<sup>106</sup> indicates how well burgesses could do for themselves through seigneurial service. Similar advances were made by burgesses in the patriarch's court, where some were designated by the title *iudex*,<sup>107</sup> not known in later sources or treatises on law.

It is from among these notables that the first jurors (*jurati*) of the court of burgesses were recruited. In Jerusalem, where there were two distinct courts, the king's and the patriarch's, each competent, it would seem, in a different part of the city, we can trace the emergence of an official burgesse elite through a series of documents. The burgesses possessing villages around Jerusalem probably rose in status from that very fact. The more usual way of social advancement, however, was to move from the privileged position of juror in the court of burgesses to the noble class of knights. A few examples may illustrate this social mobility. One man appearing frequently in the early documents of the kingdom is Godfrey Acus. Beginning in 1120, when he witnessed a royal decree of Baldwin II partially abolishing taxes on food brought to Jerusalem, and up to the eve of the Second Crusade, we find him in the entourage of the kings of Jerusalem, of the patriarch and the canons of the Holy Sepulcher.<sup>108</sup> About 1125 Ralph of Fontanella, a knight, left him a vineyard on the road leading from Jerusalem to Bethlehem "because he served me well and with devotion for a long time."<sup>109</sup> But whereas his signature as late as 1136 is among the witnesses described as *de burgensibus*,<sup>110</sup> in 1144 and 1147 he is listed among the *barones regni* of Baldwin III.<sup>111</sup> It is pertinent to note that a village near Emmaus (Amwās), which belonged to the order of St. John (1141), was called *casale de Gaufrido Agule*.<sup>112</sup> That such cases

106. E.g., Godefridus filius Reubauth (Raimbaldi) signs in Antioch in 1133–1134 (Rozière, *Cartulaire*, no. 85; Röhricht, *Regesta*, no. 149) as *de baronibus*; in 1135 (Rozière, *Cartulaire*, no. 86; *Regesta*, no. 157) as *de burgensibus*; in 1140 (Rozière, *Cartulaire*, nos. 88, 90; *Regesta*, nos. 195, 194) as *vicecomes*.

107. Cf. Rozière, *Cartulaire*, nos. 82, 107, 135 (1135–1136).

108. E.g., Röhricht, *Regesta*, nos. 128, 129, 141, 130, 164.

109. Rozière, *Cartulaire*, no. 121.

110. Röhricht, *Regesta*, no. 164.

111. *Ibid.*, nos. 226, 244.

112. *Ibid.*, no. 205. Röhricht has incorrectly identified it with *castrum Gaucefredi de Agolt*, which was in the county of Tripoli; *ibid.*, no. 78.

were not restricted to Jerusalem is clear from the career of one Gerald, son of Arnald, in the city of Ramla, who in 1167 signed as a burgess, but in 1169 as a knight.<sup>113</sup>

Social mobility through royal service did not stop with the first kingdom. A famous burgess family like the Antiaumes, prominent throughout the thirteenth century, would see one of its members called *miles Acconensis* (1288).<sup>114</sup> Another example of the same type, although not leading as far as knighthood, is that of Godfrey of Tours, closely connected with the patriarch's household. He signed documents (1153–1186) pertaining to the canons of the Holy Sepulcher, and appeared from 1161 as the patriarch's seneschal (*dapifer*),<sup>115</sup> head of the patriarch's household, and perhaps even fulfilling some military functions. He witnessed a charter of Baldwin III among the *burgenses regis* and also served as a juror of the court of burgesses of Jerusalem.<sup>116</sup> In this last capacity we find him again and again between 1161 and 1186.<sup>117</sup> These random examples prove the existence of an upper group among the burgesses, which came to prominence in the administrative service of the kings, patriarchs, and lords of the kingdom. Naturally, some would also become prominent through successfully run businesses. For example, Theobald of Tyre gave a loan to a knight, James of Sidon, of 500 bezants, taking as security a village called Gyps and receiving, to pay off the loan, 150 bezants' worth of agricultural produce annually during the next twelve years.<sup>118</sup>

The frequent appearance of burgesses in royal and seigneurial documents does not mean that there was a blurring of the clear-cut distinction between nobles and burgesses. The latter often signed documents where nobles were concerned, but this was because they dealt with *borgesies*. Their signatures had legal importance should a dispute come before the court of burgesses *ratione materiae*. Still, we sometimes find their signatures on royal and seigneurial documents where it is impossible to assign to them any legal significance. We should remember, however, that the court of burgesses of Jerusalem was a royal court, and there is nothing extraordinary in the fact that the jurors or eminent burgesses of the city might witness a royal document.<sup>119</sup> In other cases it was the solemnity of the act that led the ruler to

113. *Ibid.*, nos. 432, 472.

114. *Les Registres de Nicolas IV*, ed. Ernest Langlois (2 vols., Paris, 1886–1905), I, 48 (no. 266).

115. Röhrich, *Regesta*, no. 391.

116. *Ibid.*, nos. 545, 643, 651.

117. *Ibid.*, nos. 299, 300, 301, 332, 333, 531, 534.

118. Delaville Le Roulx, "Chartes de la Terre Sainte," *ROL*, XI (1905–1908), 181–183: 1158.

119. Rozière, *Cartulaire*, nos. 62, 59, 56, 63, 60, 57.

invite their signatures. Such, for example, is the case of a donation by Robert of St. Gilles to the Hospitallers. It was made in the presence of the patriarch and with the consent of king Fulk. The patriarch (William of Messines) sealed it "in the presence of the lawful witnesses of the three orders".<sup>120</sup> Such instances are not very frequent, but they do occur in the kingdom as well as in the principalities.<sup>121</sup> The burgesses were lawful men, the good citizens of the king or lord, and their signatures were an additional adornment. As to their importance, however, we may concur with the writer of the documents by which Raymond III of Tripoli transferred Rafaniyah and Montferrand to the Hospitallers, who, after noting the signatures of the clergy, nobility and some burgesses, then added: "and all the rest of the names of which it would be more boring than profitable to tell."<sup>122</sup>

While some burgesses moved upward, another kind of distinction emerged within the class. By the middle of the twelfth century the kingdom had reached its zenith. Military successes had pushed its frontiers to their maximum extent. The cities were densely settled, in the north by the local Christian population and new European immigrants, in the south predominantly by Europeans. It is at this time that new social groups were discernible in the cities. One of these, of a rather formal character, was connected with church establishments, especially the Holy Sepulcher. A large number of men and women declared themselves *confratres* of the Holy Sepulcher. These were very poor people. One couple promised to resign their "fief" to the Holy Sepulcher at death, but their son was to receive from the canons *victum et vestimentum*.<sup>123</sup> A woman sold a garden to the canons and promised to leave them her house when she died, while in turn the canons promised to supply her with "every day one loaf, like that eaten by the canons, and half a liter of wine, a dish of cooked

120. Delaville Le Roulx, *Cartulaire*, no. 139: "sub legitimis trium ordinum confirmetur testibus."

121. Fulk restored property to the Holy Sepulcher in Jerusalem: "habito consilio domini patriarchae et episcoporum et baronum simulque burgensium": Rozière, *Cartulaire*, no. 86 (1135). His privilege to the Hospitallers was made "tocius regni tam cleri quam populi hortatu" and was signed by burgesses; Delaville Le Roulx, *Cartulaire*, no. 116 (1136). A donation to the Hospitallers of Tripoli bore the signatures of nobles "et aliorum virorum qui huic dono adfuerunt, clericorum scilicet et militum et burgensium": *ibid.*, no. 210 (1152). Bohemond III confirmed the sale of Margat in the presence of many "clerics, knights and burgesses": *ibid.*, no. 783 (1186).

122. Delaville Le Roulx, *Cartulaire*, I, 116: "et ceteri omnes quorum nomina tediis esset magis quam proficiis enarrari." See Praver, "The Burgesses and their Seignors," in *Crusader Institutions*, pp. 327-339.

123. Rozière, *Cartulaire*, no. 77 (1129); see Riley-Smith, "A Note on Confraternities in the Latin Kingdom of Jerusalem," *Bulletin of the Institute of Historical Research*, XLIV (1971), 301-308; and Praver, note 93, above.



meat (?), and on Sundays and feast days a piece of meat or other food as eaten by the canons."<sup>124</sup> People promised to leave their property to the canons at their death, or to give them all their property immediately on condition that they be fed and clothed.<sup>125</sup> Although technically the *confraternitas* allowed for participation in the spiritual and ecclesiastical privileges of the canons,<sup>126</sup> it seems obvious that economic motives were a strong incentive to such association. Thus, elderly couples and lonely old people with limited means came under the jurisdiction of the canons. People of higher status also declared themselves *confratres* either of the Holy Sepulcher or, as was often the case, of the military orders, which knights joined for a limited period. In the case of the Hospitallers, even burgesses associated themselves as *confratres*. But in most cases we are dealing here with the lower stratum of burgesses, looking to church establishments for help and protection.

The case is different, however, with those burgesses connected with the canons of the Holy Sepulcher who are described in the sources as *clientes*. Whole families, possibly even villages, are to be found in this category. The village of Saint Lazarus, near Jerusalem, which belonged to the canons, seems to have been settled by *clientes*.<sup>127</sup> The *clientes* held property from the canons called *feuda*, "fiefs",<sup>128</sup> we can be sure that these were not knights' fiefs. An act of 1129 mentions a holder of such a "fief," a *confrater* of Saint Lazarus whose daughter was to marry a *nutritus famulus* of the canons.<sup>129</sup> In all probability it was property granted in this way to burgesses who produced the service of 500 sergeants which the canons were obliged to provide the kings of Jerusalem.<sup>130</sup> That such was the use of the term *cliens* is clear from a passage of Fulcher of Chartres, where the army of Baldwin I is described as being composed of *300 milites lectissimi et clientes advectitii 400 probissimi*.<sup>131</sup> The monastery of Mount Tabor followed the same example to ensure its own military services.

124. Rozière, *Cartulaire*, no. 106 (1132).

125. *Ibid.*, nos. 102, 103.

126. *Ibid.*, no. 101: "Participes omnium bonorum . . . spiritualium."

127. A widow of one *cliens*, remarried to another, and her daughter who was also married to a *cliens*, had to live with their husbands on the property of the canons either in Jerusalem or in Saint Lazarus: *ibid.*, no. 109.

128. *Ibid.*, no. 110.

129. *Ibid.*, no. 77.

130. John of Ibelin, cap. 272 (*RHC, Lois*, I, 426-427). The canons had a special officer called *magister clientum Sancti Sepulchri*: Rozière, *Cartulaire*, no. 107.

131. Fulcher of Chartres, III, 11 (*RHC, Occ.*, III, 447). In the confirmation of the sale of Margat to the Hospitallers by Bohemond III in 1186 there is a clear distinction between *burgesia* and *de feodo vero militis vel clientis*: Delaville Le Roulx, *Cartulaire*, I, 491 (no. 783).

A long list of witnesses to a deed of Mount Tabor is headed: "from among the lay brothers," but the same people appear in another document as *turcopuli*, light cavalry.<sup>132</sup> As the military service due from church institutions was rather heavy, we can assume that hundreds of burgesses were hired for military service. Naturally, not all of them received "fiefs" as did the burgesses of Saint Lazarus. Some were content to receive food or quantities of crops from church properties, or simply money. And it was money which was paid to the sergeants in times of emergency, when additional soldiers were needed. They were simply *stipendiarii*, mercenary soldiers.

Lords of cities also hired burgesses for military, administrative, and domestic services. Ties of dependence were strong, especially in places where the burgesses served as mercenaries of the lord. Often they identified themselves with the head of the local dynasty and, according to accepted feudal ideas, became a class traditionally serving a great house, belonging to its "family" (*maisnie*).<sup>133</sup>

By the middle of the twelfth century new developments were making distinctions among the class of burgesses. Political stability and relative security favored colonization. There was a migration from the cities to the small semi-urban agglomerations and to newly founded villages. A Frankish class of peasants and inhabitants of small towns, in the main agricultural, was in the making. The population of these communities, in the shadow of a fortress or citadel, was recruited from among the burgesses. They settled in what would be called in Europe, and in at least one eastern source, *borcs*.<sup>134</sup> Some of these settlements became real towns mushrooming beneath the fortifications and almost always surrounded with low walls, not strong enough to withstand a regular siege but good enough to repel marauding beduins or Moslem peasants.<sup>135</sup> Other places never developed into towns, but remained villages settled by a Frankish peasantry. We know of at least half a dozen cases of colonization undertaken by kings, church institutions, military orders, and lay lords.<sup>136</sup> The new villages differed entirely from the native ones, which they often replaced. They were fortified and far more populous. While the native village

132. Röhricht, *Regesta*, nos. 389, 594.

133. Cf. *Les Gestes des Chiprois*, cap. 164 (*RHC, Arm.*, II, 705): "chevaliers et sergens et valès, qui tous furent de la maihnee et de la noreture dou lignage d'Ybelin."

134. *Chronique de Terre Sainte*: "[Escalone] quy est un mout fort chastiau sur mer et un grant bourc come une cité": *Les Gestes des Chiprois*, ed. Raynaud, p. 5.

135. William of Tyre, XVII, 12; XX, 20 (*RHC, Occ.*, I, 777-779, 975-977).

136. Praver, "Colonization Activities," pp. 1063-1118; Riley-Smith, *The Feudal Nobility*, index, s.v. "colonial settlements."

population might be estimated at ten or twenty families, the new Frankish settlements included fifty families or more. There is no doubt that the settlers came from among the poorest of the burgesses, those who could not make a living in the cities.<sup>137</sup>

Settlement outside the cities, although it created a class of Frankish peasantry, did not create a class of Frankish serfs. The Frankish inhabitants of the newly colonized village of al-Bīrah, although peasants, did not lose their status as *burgenses*. They attended public courts, and their property, for which they paid only a small rent, was free land. The rent was established along the lines of the *champart* or similar tenures without personal servitude, at a fixed amount of the produce, but the property was otherwise hereditary, unburdened by servile dues. The holder had the right to alienate it without restriction (except for the lord's preëmptive right).

That these peasants were looked down upon by their peers in the cities is probable. Nor was the danger of their subjection an imaginary one.<sup>138</sup> But legally and socially the Frankish farmer was a burgess, well above the richest Syrian or Moslem peasant of the countryside. Wherever burgesses settled, they had a right to their own court and to the judgment of their peers. An inventory of such courts, indicating the diffusion of the Frankish population, is preserved by John of Ibelin. He lists thirty-seven places for the kingdom, but the list is incomplete. If we may assume that a viscount is to be found in all places which had a civil Frankish population, we can add another four.<sup>139</sup> If we add localities which we know were colonized by Franks, it gives us a total of about fifty places where the burgesses settled and had their own form of organization in a court of burgesses.

In the principality of Antioch courts of burgesses existed certainly in three localities—Antioch, Jabala, and Latakia—and there were probably more. In the county of Tripoli courts of burgesses existed in Tripoli and Rafanīyah, and probably also in Tortosa, 'Arqah, and Jubail. The fact that a relatively small number of such courts are known to us in these principalities may be due partly to our lack of sources

137. *Eracles*, XX, 20 (*RHC, Occ.*, I, 976), speaking about the settlement in Gaza: "povres gent gaengneur et marcheant vindrent après qui se herbergierent autour ce chastel." William of Tyre, XX, 19 (*RHC, Occ.*, I, 973-975), on the settlement in Darum: "Erat enim locus commodus, et ubi tenuiores homines facilius proficerent quam in urbibus."

138. Cf. Rozière, *Cartulaire*, no. 132 (c. 1151). The canons of the Holy Sepulcher agreed that Robert of Retesta should use the Frankish colonists established by the monks in al-Bīrah, if they were willing, but "super burgenses vero prefatos nullam dederunt . . . potestatem vel dominium exercere, nec violentiam inferre aut forifactum vel exactionem exigere."

139. John of Ibelin, cap. 270 (*RHC, Lois*, I, 422-426). We may add Qalansuwā, Qāqūn, Majdal (Mirabel), and al-Lajjūn (Legio, Lyon).

(there being no inventory like that for the kingdom of Jerusalem), but even more to the relatively meager colonization of the northern principalities and the concentration of their Frankish populations in the great cities.

The burgesses of Jerusalem enjoyed a privileged position among those of the kingdom. Not only were they the burgesses of the holy city, the capital of the kingdom, but they were the "burgesses of the king." During the coronation they participated in the ceremony and served the king the coronation meal at the *templum domini*.<sup>140</sup> The burgesses of Acre, the royal city on the coast which became the capital of the kingdom in the thirteenth century, enjoyed a similar position. But it was a position of precedence, with no legal sanction. Naturally the fact that some of the burgesses of Jerusalem, especially during the time of Baldwin III and Amalric, were in constant attendance on the king might have given them some special prestige, but it is impossible to discern any practical results.<sup>141</sup>

The existence of courts of burgesses and a common law of burgesses (differing from one principality to another, but the same within each), did not lead, generally speaking, to the creation of an "estate" or a corporative body of the burgesses of the crusader states. What is even more striking is the fact that they never took over any city government,<sup>142</sup> and their participation in such government was far more limited than in any contemporary European city. Only once in Jerusalem do we find them opposing the king, one of the Baldwins, for having proclaimed an ordinance about cleaning the city streets without their advice and counsel.<sup>143</sup> Nowhere do we see them act as an "estate" with its grievances and demands. At a time when European cities were becoming "collective vassals" and taking over city administrations, such a feature of city life was entirely nonexistent in the Latin east.

The main reason lay in the fact that the city population included not only burgesses but almost the entire knightly population. This gave a particular coloring to city life and organization. Although economically well defined, the city was neither a community nor a corporation. It never became a center of burgh independence or self-government, since it was never a burgh city. Nor did knights and

140. *Eracles*, XXIII, 3 (*RHC, Occ.*, II, 5-6); John of Ibelin, cap. 8 (*RHC, Lois*, I, 51-52).

141. Documents emanating from Melisend, Baldwin III, and Amalric were frequently witnessed by burgesses, even in cases, such as the confirmation of franc-almoigns and fiefs, where their signatures were not legally necessary. See Praver, note 122, above.

142. For the so-called communal movement see below, pp. 167-169, 188-192.

143. *Livre des Assises . . . des Bourgeois*, cap. 303 (*RHC, Lois*, II, 225).

burgesses merge into a formal community. There can be no comparison with Italian cities where nobles, having once entered the city commune, identified themselves with the city, fighting its wars against empire and neighbors alike. City autonomy, in the sense of self-government or civic privileges, even on the economic level alone, was entirely unknown.

It is even more remarkable that no guilds or similar corporations were created.<sup>144</sup> This is more difficult to explain. It might be partly because the first burgesses, originally peasants, did not bring with them any corporative traditions. But this did not preclude a later development of guilds. It might be suggested, however, that the normal course of European development, the creation of a merchant guild which ruled the city and set off a counter-movement of craft organizations to defend their own interests against the ruling city oligarchy, could find no place in the east. No Frankish merchant guild was ever created, because the lucrative commerce was a monopoly of the Italian communes.

Furthermore, the most characteristic feature of the kingdom, at least in the twelfth century, was that it was a country of immigrants. In more than one sense the existence of the state depended on the continued flow of immigrants and their economic absorption into the kingdom. On the other hand, guilds were exclusive bodies. The regulated system of apprenticeship, examinations, and advancement, let alone the later policy of limiting the number of masters, was suited to a stable economy and society. It could hardly flourish where the population fluctuated and had to be continually renewed. Moreover, such a policy would have caused difficulties in the economic integration of the immigrants.

There is another factor that might have played some part in handicapping guild organization. The native population, mainly local Christians living in the cities, pursued the same occupations as Frankish burgesses. As there was a deep abyss between the two, it was hardly thinkable that they could coöperate on the basis of common occupations. The only possibility was to have parallel guild organizations, and somehow this never happened.

What served as a rudimentary substitute for guild organization was created by the living together of people of the same occupation. Thus there were streets of cooks, of spice merchants, of malt or ale makers, skimmers, tanners, money-changers, and so forth. Membership

144. Although physicians were sufficiently organized to require the examination of a newcomer wishing to exercise their profession in the kingdom; *Livre des Assises . . . des Bourgeois*, cap. 298 (*ibid.*, II, 223).

in an ethnic or linguistic group provided another basis of social cohesion. Scanning the names of streets in the major cities of the kingdom, we find not only the members of Italian communes but also Provençals, Spaniards, Germans, Englishmen, and Bretons living in special streets or quarters. Quite often there will be a church under a patron saint popular in a European province to indicate the origin of the inhabitants of a quarter. It is again the fact of immigration which led newcomers to seek out compatriots speaking their own language or dialect and sharing familiar customs and rules of behavior. This huddling together replaced family and community ties severed by emigration.

The anarchy of the second quarter of the thirteenth century and the rise of independent jurisdictions, especially those of the communes, which has led one historian to call the kingdom "le royaume des marchands,"<sup>145</sup> created a situation of insecurity and instability. One of its results was the emergence and the growing importance of new types of social cohesion and political dependence. These appear in the second quarter of the thirteenth century in the form of *fraternitates* or *frairies*. The fraternity, or brotherhood, was an association that recruited its members on a voluntary basis for the common pursuit of religious and social goals.<sup>146</sup> Just as in Europe, the authorities were suspicious of associations where an oath had to be taken by each member on entrance, which possibly explains why the rules of the brotherhoods had to be confirmed by the lord of the city. A brotherhood had its patron saint, its own rules, and its seal to legalize acts. In a sense they took the place of guilds in fulfilling social and religious functions.

In the middle of the thirteenth century, when political factions ruled Acre, it was almost inevitable that any corporation which grouped

145. Richard, *Royaume latin*, pp. 274–275.

146. There were certainly more than the two whose names we know, the brotherhood of St. Andrew and the Pisan *Societas Vermiliorum*; cf. Georg E. Müller, ed., *Documenti sulle relazioni delle città toscane coll' Oriente cristiana e coi Turchi fino all' anno 1531* (Florence, 1879; repr. Rome, 1966), nos. 27–28 and p. 33; see Riley-Smith, note 123, above. The location of the *societas vermiliorum* is not very clear, and Müller's explanations are not satisfactory. It seems to have been a corporation which, after taking part in the defense of Tyre under Conrad of Montferrat, took over the responsibility of administering Pisa's property in Acre. The property assigned to it was hereditary and might even have been divided among its members. In an anti-Pisan move, Henry of Champagne abolished the status and reduced the privileges granted to the commune by Conrad and Guy of Lusignan, at which time we lose all trace of the *societas*; see Praver, *Latin Kingdom*, p. 490. The existence of many other brotherhoods is proved; e.g., by Philip of Montfort's promise to the Genoese in 1264 in Tyre, that property in their quarter will not be given to other communes or brotherhoods: "Et quod dominus Tyri non possit dare hoc quod sibi remanet de barrigisia [sic], communitatibus, nec frateriis pro hospitando, neque pro alio re facere": *AOL*, II-2 (1884), 226.



a large number of people together should become the object of competition between the contesting parties. It was hardly politics which drew the brotherhoods into the conflict, but rather their coherence in a time of general anarchy. Their support of this faction or that often depended on chance, the proximity of a powerful neighbor, or the dependence of its members on a given power such as a church, monastery, or military order. It was one of these brotherhoods, that of St. Andrew,<sup>147</sup> that became the focus of Ibelin opposition to the rule of the "Lombards." The fact that a baronial revolutionary movement connected itself with a brotherhood is not symptomatic of any privileged standing of the burgesses or their semipublic corporations. The brotherhood of St. Andrew was chosen because its rules were such that virtually anyone could join. Whoever was willing to swear the oath of membership was readily accepted.<sup>148</sup>

Later the brotherhood of St. Andrew became the nucleus of the "commune" of Acre, a revolutionary movement directed against Hohenstaufen rule.<sup>149</sup> Neither the "commune" of Acre, however, nor the "communes" of Antioch and Tripoli had anything in common with a communal movement in the usual sense of the term. They were not urban movements aimed at city independence from an ecclesiastical or secular lord, nor did they seek economic or legal guarantees. They aimed, rather, at legalizing opposition to an established rule which they declared to be illegitimate. All of them were led by members of the upper nobility who sought power through the selection of the ruler. These movements were more akin to contemporary European assemblies of estates.<sup>150</sup> If the nobility chose the form of a commune, the reason was the example of the existing Italian communes in their cities and the impossibility of converting the high court into any kind of parliament or estates general for the purpose. The legal

147. Probably connected with the port of Acre; Saint Andrew the fisherman is connected with the sea. During the war in Acre there were *poulains du port* as members and supporters of the brotherhood.

148. The essential facts about the brotherhood of St. Andrew are given by *Eracles*, XXXIII, 26 (*RHC, Occ.*, II, 391-392): "en la terre avoit une frarie qui estoit nomée la Frarie de Saint André, la quel estoit otoiée dou roi Baudoin et confermée par son prevelige. Et apres la conferma le conte Henri et en fist prevelige. Et en cele frarie si avoit establissements, devises et motiz es preveliges, et entre les autres establissements estoit ce que tuit cil, qui en la frairie se voloient metre, le poent faire, et que cil de frairie les poent recevoir." Cf. Marino Sanudo in Bongars, *Gesta Dei per Francos*, II, 214 (who wrongly calls it *fraternitas S. Iacobi*).

149. See chapter VI, below.

150. The idea is correctly expressed by Jean Colson, "Aux Origines des assemblées d'états: L'exemple de l'Orient latin," *Revue des études byzantines*, XII (1954), 114-127, but his assessment needs qualification, as it does not take into account the machinery of the crusaders' regime.

mentality of the nobility preferred to graft a revolutionary movement onto a legitimate body already in existence, in Acre the brotherhood of St. Andrew, which by its rules allowed the coming together of nobles and burgesses, possibly even members of the Italian communes. There were no elections, no appointed representatives. The general meeting of the brotherhood, like the *parliamentum* of an Italian town, was a meeting of the entire body politic. But although the frontiers of the commune were the city walls, it did not aim at ruling Acre alone; it aimed at ruling the kingdom.

In Antioch it was a different legal problem which led to the adoption of the revolutionary commune of 1193. It was an attempt to find a formula that would unite the Latin and Greek inhabitants of the city. As we have seen, the common danger was the establishment in Antioch of an Armenian principality and an Armenian church hated by Greeks and feared by Latins. The Greeks, probably a majority of the population, by definition were not burgesses. A commune gave them the opportunity of participating in the government of the principality.<sup>151</sup>

These communes were short-lived. The brotherhoods themselves, however, did not dissolve, but rather grew in influence. In 1243 princess Alice was accepted as the ruler of the kingdom with the support of the barons, the patriarch, the Genoese, the Venetians, "and also the brotherhoods of the city."<sup>152</sup> Hugh III de Lusignan left Acre in 1276 "because of many quarrels which he had with the military orders and the communes and the brotherhoods which he could not dominate or govern at his will." And again, he was asked to come back to Acre by "prelates, military orders, other Knights Hospitaller, Teutons, Pisans, burgesses of the country, Genoese, brotherhoods, and all other kinds of people."<sup>153</sup>

While the burgesses never developed as an estate, some individuals became quite influential in the kingdom. In a society obsessed by legal forms, knowledge of the law became an important asset for advancement. The burgesses known to us as influential in political life are those to be found in the courts of burgesses. John Valin, William of Conches, and Philip Baudoyne<sup>154</sup> were at one time or another among

151. See below, p. 230; for the sources, see Cahen, *Syrie du nord*, pp. 653-660. On the communes of Tripoli, see below, note 155.

152. *Les Gestes des Chiprois*, cap. 226 (*RHC, Arm.*, II, 731): "et toutes friairies de la ville ausy."

153. *Eraclès*, XXXIV, 28 (*RHC, Occ.*, II, 474-475).

154. *Les Gestes des Chiprois*, caps. 221, 225 (*RHC, Arm.*, II, 728, 731); all fl. c. 1240. On the Antiaumes see above, note 53.

the jurors. Some of them were accepted in the circles of nobility, even appearing in the high court. A fraternity of legists could have been founded despite the social differences between nobles and burgesses.

On the whole, however, the role of the burgesses in the kingdom bore no relation to their numbers as a whole or to the achievements of a few individuals. Rather, it reflected the position of a middle class in a country colonized by immigrants. Sharing a privileged position as conquerors, they were barred from further advance by the traditional nobility. They attained power as a class neither in the city nor in the country. The collapse of the central power prevented their becoming an estate, while city-dwelling nobles prevented them from taking over city governments. They never acquired great wealth because the greatest source of wealth, international maritime commerce, remained in the hands of the real European burgesses, the commercial communes of the west.

## D. The Communes<sup>155</sup>

A special place among the social classes of the crusader states was reserved to the natives of the great European mercantile cities, primarily the maritime cities of Italy but also, to a lesser degree, some cities of southern France and Spain. Among the Italian cities the most important were Genoa, Pisa, and Venice. Although cities like Amalfi

155. The main sources are the privileges accorded the different European commercial cities and commercial contracts. A list of the principal privileges is to be found in LaMonte, *Feudal Monarchy in the Latin Kingdom of Jerusalem, 1100 to 1291* (Cambridge, Mass., 1932), appendix D, pp. 261-275. See also Robert H. Bautier, "Sources pour l'histoire du commerce maritime en Méditerranée du XIIe au XVe siècle," in *Les Sources de l'histoire maritime en Europe du moyen-âge au XVIIIe siècle*, ed. Michel Mollat (Paris, 1962), pp. 137-179; Prager, "Economic Life and Commerce," *Latin Kingdom*, pp. 352-415 (with bibliography, pp. 552-557); and *idem*, "The Italians in the Latin Kingdom," in *Crusader Institutions*, pp. 217-249.

The main collections are Tafel and Thomas; *Liber iurium reipublicae Genuensis*, ed. Ercole Ricotti in *Historiae patriae monumenta*, VII, IX (Turin, 1854-1857), partially superseded by C. Imperiale di Sant' Angelo, *Codice diplomatico della repubblica di Genova* (3 vols., Rome, 1936-1942); Müller, *Documenti*, partially superseding Flaminio dal Borgo, *Raccolta di scelti diplomi pisani* (Pisa, 1765); Louis Méry and F. Guindon, *Histoire analytique et chronologique des actes et des délibérations . . . de la municipalité de Marseille* (2 vols., Marseilles, 1841-1843); and Matteo Camera, *Memorie storico-diplomatiche dell' antica città e ducato di Amalfi* (2 vols., Naples, 1876-1881; repr. Salerno, 1972).

Commercial contracts are preserved in notarial registers, the richest being those of Genoa. The registers which furnish materials directly bearing on our subject are *Il Cartolare di Giovanni Scriba*, ed. Mario Chiaudano and Mattia Moresco (2 vols., Turin, 1935; repr. Turin, 1970), replacing the older edition of *Historiae patriae monumenta, chartarum II* (Turin, 1853); *Lanfranco, 1202-1226*, ed. Hilmar C. Krueger and Robert L. Reynolds (3 vols., Genoa, 1951-1953); *Liber magistri Salmonis, sacri palatii notarii, 1222-1226*, ed. Arturo Ferretto (Genoa, 1906); Cornelio Desimoni, "Actes passés en 1271, 1274, et 1279 à l'Aias . . . et à Beyrouth par devant des notaires génois," *AOL*, I (1881), 434-534; Raimondo Morozzo della Rocca and Antonino Lombardo, eds., *Documenti del commercio veneziano nei secoli XI-XIII* (2 vols., Rome and Turin, 1940); Lombardo and Morozzo della Rocca, eds., *Nuovi documenti del commercio veneto dei secoli XI-XIII* (Venice, 1953); Louis Blancard, ed., *Documents inédits sur le commerce de Marseille au moyen-âge* (2 vols., Marseilles, 1884-1885); and Mayer, *Marseilles Levante-handel und ein akkonensisches Fälscheratelier* (Tübingen, 1972).

The notarial registers have not yet been fully exploited, especially those of the thirteenth century. For an analysis of the contents of Genoese registers see Moresco and Gian P. Bognetti, *Per l'Edizione dei notai liguri del secolo XII* (Turin, 1938) and Archivio di Stato di Genova, *Cartolari notarili genovesi* (Publ. degli Archivi di stato, XXII, XLI; Rome, 1956, 1961).

There are many studies regarding the commercial activities of the Italian cities. The most important general works are still Wilhelm Heyd, *Histoire du commerce du Levant au moyen-âge*, tr. Furcy Raynaud (Leipzig, 1885-1886; repr. Leipzig, 1936, Amsterdam, 1967); Adolf Schaube, *Handelsgeschichte der romanischen Völker des Mittelmeergebiets bis zum Ende der Kreuzzüge*

(which had played an important role in east-west commerce before the crusades) and Ancona in Italy, Marseilles, St. Gilles, and Montpellier in France, and Barcelona in Spain should be mentioned, it is among the nationals of the three great maritime powers of Venice, Genoa, and Pisa that we find the typical commune in the crusader states.

Socially the settlers and merchants of the Italian communes belonged to the same class as the town-dwelling Frankish burgesses. Their living quarters and their places of business were in the cities, their main occupation was commerce. They were certainly not classed among the knights and nobles. One may postulate that they formed a higher, because far richer, stratum in the class of burgesses, but this would be misleading. The fundamental factor which defined their standing was not their economic function but primarily their legal standing as defined by a long list of treaties, privileges, and agreements. The treaties did not grant the same status to all communes, or even to different colonies of the same commune. Not only did the communes vary in status between the kingdom of Jerusalem, the principality of Antioch, and the county of Tripoli, but even within

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(Munich and Berlin, 1906); Robert S. Lopez, "The Trade of Medieval Europe: The South," in *The Cambridge Economic History of Europe*, ed. Moise M. Postan and Edwin E. Rich, II (Cambridge, 1952), 257-354; Irving W. Raymond and Lopez, *Medieval Trade in the Mediterranean World* (CURC, 52; New York, 1955). Cahen, "Orient latin et le commerce du Levant," *Bulletin de la Faculté des lettres de Strasbourg*, XXIX (1951), 328-345, indicates future lines of study.

Studies of the communal movement include LaMonte, "The Communal Movement in Syria"; Mayer, "On the Beginnings of the Communal Movement in the Holy Land: The Commune of Tyre," *Traditio*, XXIV (1968), 443-457; *idem*, "Zwei Kommunen in Akkon?" *Deutsches Archiv für Erforschung des Mittelalters*, XXVI (1970), 434-453; Riley-Smith, "The Assise sur la ligèce and the Commune of Acre," *Traditio*, XXVII (1971), 179-204; *idem*, above, note 123; *idem*, *Feudal Nobility*, pp. 194 ff.; Praver, "The Earliest Commune of Tripoli," in *Studies in Memory of Gaston Wiet*, ed. M. Rosen-Ayalon (Jerusalem, 1977), pp. 171-179; and *idem*, "Estates, Communities, and the Constitution of the Latin Kingdom," in *Crusader Institutions*, pp. 46-82.

Despite the titles of works on colonization, they are more concerned with privileges and political problems than with settlement as such. The latter subject is dealt with in part in studies on the social aspects of commercial activity. The best guide to Genoese studies is Vito Vitale, *Il Comune del Podestà*, in *Storia di Genova dalle origini al tempo nostro*, III (Milan, 1951). On Amalfi see Vsevolod Slessarev, "Ecclesia Mercatorum and the Rise of Merchant Colonies," *Business Historical Review*, XLI (1967), 177-197. The principal studies on various aspects of colonization are Camillo Manfroni, *I Colonizzatori italiani durante il medio evo e il rinascimento*, I, *Dal secolo XI al XIII* (Rome, 1933); Roberto Cessi, *Le Colonie medioevali italiane in Oriente* (Bologna, 1942); Lopez, *Storia delle colonie genovesi nel Mediterraneo* (Bologna, 1938); *idem*, *Genova marinara nel Duecento: Benedetto Zaccaria* (Messina and Milan, 1933); Bruno Dudan, *Il Dominio veneziano nel Levante* (Bologna, 1938); Lamberto Naldini, "La Politica coloniale di Pisa nel medio evo," *Bolletino storico pisano*, n.s., VIII (1939), 64-87; Giuseppe Rossi-Sabatini, *L'Espansione di Pisa nel Mediterraneo* (Florence, 1935); Guido Astuti, "La Posizione giuridica

the same state. Despite these variations, however, we are justified in viewing the communes in the east as a whole; in fact, they were so viewed at the time.

In a society based fundamentally on feudo-vassalic relations, the commune seemed an anomaly to the jurists. Small wonder, then, that Philip of Novara, John of Ibelin, and, what is even more significant, the *Assises de la Cour des Bourgeois* have so little to tell us about them. Had we been left with these legal sources alone we could hardly have known that we were dealing with major economic powers in the east, powers which, from the middle of the thirteenth century on, directly influenced the destinies of the crusader states.

We do not know how these communes were regarded by the Frankish burgesses, but we know something of the feelings of the knights. One young knight, disappointed that his fiancée had been given in marriage to a rich merchant-prince of Pisa, expressed the sentiments of his class when he complained that "he [Raymond III of Tripoli] gave her away to a *vilain*." "Because," we are told, "those of France despise those of Italy. And may they be as rich as possible, they will still always regard them as *vilains*. Because most Italians are usurers,

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delle colonie di mercanti occidentali nel Vicino Oriente e nell' Africa settentrionale nel medio evolo: Le colonie genovesi," *Rivista di storia del diritto italiano*, XXV (1952), 19-34; Pietro S. Leicht, "La Posizione giuridica delle colonie . . . : Le colonie veneziane," *ibid.*, pp. 35-59 (both were lectures delivered at the International Congress of Comparative Law, London, 1950); Eugene H. Byrne, "Commercial Contracts of the Genoese in the Syrian Trade in the 12th Century," *Quarterly Journal of Economics*, XXXI (1916), 128-170; *idem*, "Genoese Trade with Syria in the 12th Century," *American Historical Review*, XXV (1919-1920), 191-219; *idem*, "The Genoese Colonies in Syria," in *The Crusades and Other Historical Essays Presented to Dana C. Munro*, ed. Louis J. Paetow (New York, 1928), pp. 139-182; *idem*, *Genoese Shipping in the Twelfth and Thirteenth Centuries* (Cambridge, Mass., 1930); Gino Luzzatto (originally published in 1941 under pseudonym A. Padovan), "Capitale e lavoro nel commercio veneziano dei secoli XI e XII," *Studi di storia economica veneziana* (Padua, 1954), pp. 89-117; *idem*, "Capitalismo coloniale nel Trecento," *ibid.*, pp. 117-123; *idem*, "Les Activités économiques du patriarcat vénitien (X-XIV s.)," *ibid.*, pp. 125-165; David Jacoby, "L'Expansion occidentale dans le Levant: Les Vénitiens à Acre dans la seconde moitié du treizième siècle," *Journal of Medieval History*, III (1977), 225-264; André E. Sayous, "Le Commerce et la navigation des Génois au XIIe et XIIIe siècles," *Annales*, III (1931); *idem*, "L'Activité des deux capitalistes-commerçants marseillais," *Revue d'histoire économique et sociale*, XVII (1929), 132-155; *idem*, "Aristocratie et noblesse à Gênes," *Annales*, IX (1937), 366-381; Lopez, "Aux origines du capitalisme génois," *Annales*, IX (1937), 422-454; *idem*, "La Colonizzazione genovese nella storiografia più recente," *Atti del terzo Congresso di studi coloniali* (Florence, 1937), 247-261; Reynolds, "In Search of a Business Class in Thirteenth Century Genoa," *Journal of Economic History*, supp. V (1945), 1-19; Krueger, "Genoese Merchants, Their Partnerships and Investments, 1155-1164," in *Studi in onore di Armando Sapori* (2 vols., Milan, 1957), I, 257-271; Bautier, "Les Grands problèmes politiques et économiques de la Méditerranée médiévale," *Revue historique*, CCXXXIV (1965), 1-28; *idem*, "Les Relations économiques des occidentaux avec les pays d'Orient au moyen-âge: Points de vue et documents," *Sociétés et compagnies de commerce en Orient et dans l'océan indien*, ed. Mollat (Paris, 1966), pp. 263-331.



or pirates, or merchants, and because the others are *chevaliers*, they despise them.”<sup>156</sup> Such a comment is natural for the young squire Ernoul, who elsewhere describes the inhabitants of Damascus as “soft people and bad people (*mauvais pueple*), as are always those who are merchants and artisans.”<sup>157</sup> Legal status and public opinion combined, therefore, to define the members of the communes as a class apart, reinforced by their economic standing, rivaled neither by noble nor by burgess. Although we dispose of a rather rich documentation regarding the privileges accorded by the crusader states to the different communes, and have hundreds of entries in notarial registers and copies of agreements to facilitate the description of the commercial activities of the communes, we are left with very few sources regarding the actual settlements of the communes in the east. So far, only one register kept in the east, with a few entries dealing with Beirut,<sup>158</sup> has come to light. The registers of the local courts of the communes, which existed<sup>159</sup> and could have served as the main source for the life of the communes in the east, seem to have been definitely lost, probably during the sack of Acre in 1291.

The first privileges accorded the different communes are not always explicit enough to allow us to determine what kind of settlements or colonies were envisaged. Moreover, experience in colonization, even for Venice, was very limited. As a matter of fact, the communes in the crusader states represent the first colonial enterprise by the maritime cities, as distinct from land colonization by peasants, outside the frontiers of European society. The Italians, it seems, did not think in terms of emigration and colonization, but rather in terms of dominating the lines of communication and commerce between the eastern shores of the Mediterranean and Europe. Lodgings in the ports, warehouses for merchandise to be transported to the west, a number of people on the spot to guard property, to protect privileges against outside encroachments, and to arbitrate quarrels between merchants and sea captains — these were the immediate aims of the merchant adventurers at the dawn of the twelfth century. Often the privileges brought more than was foreseen and certainly more than was needed. There are constant references to large spaces in the newly

156. Ernoul, *Chronique*, ed. Mas Latrie, p. 114, developed in *Eracles*, XXIII, 34 (*RHC, Occ.*, II, 51–52).

157. *Eracles*, XXXIII, 59 (*RHC, Occ.*, II, 432).

158. Desimoni, “Actes passés en 1271, 1274 et 1279 par devant des notaires génois,” *AOL*, I (1881), 434–534.

159. E.g., Statut de Marseille de 1253 à 1255, I, 17, in Jean M. Pardessus, *Collection de lois maritimes*, IV, 256 ff.; repr. in Gustave Fagniez, *Documents relatifs à l'histoire de l'industrie et du commerce en France*, I (Paris, 1898), 180.

conquered cities. Often the merchants claimed and were given a third of a city; sometimes they were allotted quarters in all cities to be conquered or all cities of the kingdom. These privileges, if carried out to the letter, would have left hardly any city in the kingdom to the king or his vassals. The lavishness of grants and privileges not only reflects the urgent needs of the crusaders, but also, on both sides, ignorance of the real needs and possibilities. The princes may have hoped to locate Italian merchants in all their cities. The Italians, who were in a good bargaining position, demanded as much as possible. But experience soon proved that quarters in inland cities, like the capital, Jerusalem, were of no practical use to merchants whose main interest was in the *catena*, in the customs-office of the port, where ships anchored and cargoes were exported to Europe. As a matter of fact, the communes were concentrated in only a few ports. Cities like Caesarea, Ascalon, and even Jaffa, although some communes had privileges in them, never housed any communal colony. Antioch, Tripoli, Tyre, and Acre dominated commerce and their economies in turn were dominated by the communes.

Consequently it was the purely commercial clauses in the privileges, added to the physical arrangements for lodgings, warehouses, and bazaars, which were of importance at the outset. The status of extraterritoriality was at this stage of secondary importance.

The early communal population underwent continual change. These were not settlers and colonizers, but merchants on the move, seeking a foothold in the port and customs franchises to assure preferential status to their commerce. Their families and properties remained in Genoa, Pisa, or Venice. The ports of the crusader states were only so many stopping places on their voyages. True, the exigencies of commerce made their stops rather prolonged. Genoese or Venetians embarking for a crusaders' port in the last days of September, so as to arrive before Christmas, usually remained for several months, until Easter,<sup>160</sup> although the bulk of their business seems to have been transacted during the first fifteen to thirty days after their arrival.<sup>161</sup> Business itself, almost to the end of the twelfth century, primarily took the form of exchange of precious metals from the west in return for eastern products. Not until the middle of the century was Europe able to export its own half-finished or finished products for eastern goods. During the months of stay in the east the Italian merchant found his compatriots, neighbors, and business associates from the Rialto in

160. Byrne, "Commercial Contracts of the Genoese," p. 133.

161. This was the normal delay for paying off loans contracted in the metropolis; cf. Morozzo della Rocca and Lombardo, *Documenti*, I, nos. 48, 53, 81, and *passim*.

Venice, or the neighborhood of San Lorenzo in Genoa or San Pietro in Pisa, living in common lodgings, very often the chambers (*cameræ*) of the huge warehouse, above the shops and stores in his national quarter.<sup>162</sup> The commune in the east supplied a social framework of life, replacing family and neighbors in far-off Italy. Compatriots spoke their local Italian dialects among themselves, and wrote their commercial agreements in barbarous Latin stuffed with Italian commercial terms. They had their own bakery and their own bath. The church of their quarter, subordinated to the cathedral in the metropolis but with a familiar rector, took care of their spiritual needs and, at death, of their testaments and burials. Only those who know the sorrow of exile can appreciate the importance of transplanting familiar institutions to a foreign country.

These "trans-hibernating" early colonies in the east, if we may so describe the merchants who remained in the east from December to April, were predominantly societies of sea captains, sailors, and merchants. Combining seafaring and commerce, money-changing, importing, exporting, and piracy when conditions were propitious, they moved back and forth from Venice or Genoa to Alexandria, Acre, or Constantinople, sometimes to Cyprus and Crete. Once a year or once every two years, they would make a longer stay in the east, for four or five months. They had no real home other than in Italy.<sup>163</sup> Their numbers were not large. The cartulary of John Scriba proves that as late as the middle of the twelfth century, not more than one merchant ship went annually from Genoa to the east.<sup>164</sup> The number of merchants in their eastern emporia should consequently not be counted in hundreds but in scores.

The merchants of the different communes, though belonging to the same class, in everyday life competed with one another. The neighborhood of their quarters or warehouses was marked by rivalry rather than coöperation. Transactions between one group and another seem to have been exceedingly limited. This might have been because it was easier and safer to do business with one's own compatriots, who could be summoned to one's own city court when back in Italy. But it is likely that from the beginning the rivalry between Genoa and

162. See the description of the Venetian quarter in Tyre in the 1243 report of Marsiglio Zorzi, in Tafel and Thomas, II, 351 ff.

163. A typical captain and merchant was the Venetian Romano Mairano (mid-twelfth century). The study by Reinhard Heynen, *Zur Entstehung des Kapitalismus in Venedig* (Stuttgart, 1905; repr. New York, 1971), ridiculed by Max Weber, has been vindicated by Luzzatto, "Capitalismo coloniale nel Trecento," pp. 117-123. The Mairano family awaits a biographer.

164. Byrne, "Commercial contracts of the Genoese," p. 134.

Pisa and later between Venice and the other two mercantile cities, and their fickle alliances which turned into war on land and sea, created barriers between the nationals of the different colonies. They might have been regarded by everyone else in the kingdom as a class apart, but the class was composed of bitter rivals.

This early communal phase in the east roughly coincided with the first decade of the history of the crusader states, the period of conquest. The respective communes engaged in varying degrees and in different places and times in the capture of the coastal cities of Syria and Palestine. Transportation of crusaders and food, warfare, and spoils were at this time more important than commerce. We find Italians, as late as 1110, massacring the native population of Sidon (although the barons wanted, for understandable reasons, to keep the city and its population intact), despite the fact that they were accorded privileges in the place.<sup>165</sup>

It is probably only in the second decade of the kingdom, when all the coastal cities, from Antioch southwards, had been captured (with the exception of Tyre and Ascalon, which fell in 1124 and 1153 respectively), that commerce acquired a more regular rhythm. The Moslem danger on the seas was diminishing, immigration from Europe was growing and turning the exceedingly small crusader settlements into sizable colonies, more stable conditions favored the extension of commerce and the growth of the merchant colonies. The result was a transition from a sporadic or seasonal fair of wandering merchants to a fixed market, favoring the emergence of a permanent merchant class. It was a slow process whose main feature was the transition from prolonged stays in the east to permanent settlement. This took place in the second quarter of the twelfth century, a generation after the conquest. The well-known *Pactum Warmundi* signed in 1123 by Gormond of Picquigny, the patriarch of Jerusalem (in the absence of Baldwin II, taken prisoner by the Moslems), to assure Venetian help in capturing Tyre, indicates a new phase in the life of the communes beyond the sea. The *Pactum Warmundi*<sup>166</sup> not only assured the Venetians commercial privileges and a third of Tyre, but a kind of autonomy, which one might be prompted to call a real state within the state.<sup>167</sup> It was only the belated intervention of Baldwin II which assured some

165. On the massacre in Beirut see Albert of Aachen, XI, 17 (*RHC, Occ.*, IV, 670–671).

166. Tafel and Thomas, I, no. 40.

167. See the report of Marsiglio Zorzi, *ibid.*, II, 351 ff. The position of the Venetians is succinctly stated in a privilege accorded by John of Montfort (1277) in Tyre: "Quod . . . habent tertiam partem civitatis . . . legaliter et regaliter, sicut consortes et veri domini ipsius tertiae partis": *ibid.*, III, 150.

semblance of reciprocal obligations between the commune and the state, in the form of the service of three knights owed by the Venetians to the king.<sup>168</sup>

The Venetians now claimed not only full jurisdiction (the limitation to civil cases only must have been a later royal interpretation, because there is nothing about it in the *Pactum*) over their own nationals and in mixed cases, but also complete authority over all inhabitants of their third of the city, the Venetian quarter in Tyre. The formula used to describe the new prerogative is explicit and very significant: "Besides, the Venetians will have the same rights of jurisdiction and taxation over burgesses of whatever origin, living in the quarter and the houses of the Venetians, as the king has over his own."<sup>169</sup> This seems to be a new departure, which we find again when the Venetians sum up the treaty in regard to Tyre (later put into practice), and Ascalon and Jerusalem (not implemented, because of no special interest to the Venetians). The Venetians would hold their third of Tyre and Ascalon *libere et regaliter, sicut rex alias duas [partes]*.

At this time no other commune enjoyed such privileges. It is even more striking that no baron of the kingdom, either in Jerusalem or even in Antioch, could claim such an independent status. The "collective seigneur," if one is allowed to apply a late legal fiction to the Venetian quarter in Tyre about 1124, was more independent than any contemporary vassal of the king. The only exception was perhaps Jubail, where a third of the city was granted in 1104 to the Genoese, and later the whole city, which the commune finally enfeoffed to the Embriachi (after a period of administration of its third by one Ansaldo Corso).<sup>170</sup>

The *Pactum Warmundi* is not only important in establishing an extraterritorial colony. No less significant is the privilege which it accorded the Venetians of a third of "all lands belonging to it [Tyre]."<sup>171</sup> Earlier treaties sometimes gave the communes land "one mile" around the city.<sup>172</sup> This might have been a deliberately vague phrase or a precaution to assure food and provision to be sold to the commune or

168. Confirmation by Baldwin II in 1125: *ibid.*, I, no. 41 (pp. 90-94).

169. *Ibid.*, I, 88.

170. Imperiale di Sant Angelo, *Codice diplomatico*, no. 14, quoting Caffaro. The original agreement is lost and the terms of Caffaro, although explicit enough, do not allow a more detailed analysis.

171. Tafel and Thomas, I, 68.

172. E.g., in Baldwin I's grant to the Genoese of a third of Arsuf "cum tertia parte illius terre usquequo distenditur leuga una et unum casale in eadem." The same is granted in Caesarea, Acre, and elsewhere: "One third of all cities captured with their help and a third of the revenue from land in the radius of one mile": Müller, *Documenti*, no. 15.

even grown for it. In Tyre we meet with a different approach. A whole third of a rich seignury which, despite its narrow frontiers, counted some 120 villages,<sup>173</sup> from then on belonged to the Venetian commune. It was a logical demand on the part of the Venetians. Having created an independent lordship, they demanded, and were granted, a seignury of the normal Palestinian type, comprising a city serving as capital and a surrounding rural area, with its villages and peasants, as its domain. But we may suppose another factor which influenced the Venetian demand. It is hard to believe that the Venetians claimed jurisdiction over all the inhabitants of their quarter, and sought a rural area nearby, which would need constant care and the establishment of an administration, solely for the benefit of a changing population of sailors and merchants. Nor could the Venetians have thought as early as 1123 to exploit their possessions on the later colonial pattern. Certainly, any income accruing from these possessions would profit the metropolis, but it seems more likely that the Venetians began to think in terms of colonization and settlement following the experience gained in the Latin kingdom itself. While the main occupation of Venetian settlers was commerce, the enfeoffment of a part of their property, the establishment of a local administration to supervise and exploit the rural area and to collect dues and customs from the inhabitants of the quarters – in brief the establishment of an organization to create and run a lordship – reflects a major change in the social and demographic composition of the commune in the east. Although it might be debatable whether this change has already taken place before the signing of the *Pactum Warmundi*, or whether it was the *Pactum* which created the necessary conditions for such a change, the second quarter of the twelfth century witnessed the formation of a real Italian settlement, a real colony in the ports of the kingdom.<sup>174</sup>

The basis of this somewhat sedentary population was an abundance of communal land and city possessions. Somebody had to administer these and keep an eye on rulers who tended to forget the original terms of the privileges.<sup>175</sup> Meanwhile, commerce was getting more

173. Praver, "Étude de quelques problèmes," pp. 5–61; tr. as "Palestinian Agriculture and the Crusader Rural System," in *Crusader Institutions*, pp. 143–200.

174. The success of the colonizing efforts is eulogized in a well-known chapter of Fulcher of Chartres written (fourth redaction) about 1124 (ed. Hagenmeyer, III, 37) and in a passage of Ekkehard of Aura's *Hierosolymita* (ed. Hagenmeyer [Tübingen, 1877], cap. 36), written between 1114 and 1117 as an exhortation aiming to stimulate greater support for the new state; cf. Praver, "The Settlement of the Latins in Jerusalem," pp. 490 ff.

175. The Genoese went so far as to erect a monument in the church of the Holy Sepulcher with an inscription recording their participation in the crusades and the contents of their privileges. See the facsimile in Caffaro's *Annali*, ed. Luigi T. Belgrano, I (Rome, 1890), p. 114.



voluminous<sup>176</sup> and more people settled in the east. The advantages of establishing business headquarters in a communal quarter in Antioch, Acre, or Tyre were evident. Until the middle of the thirteenth century no riots or pogroms against the communes, like those in Constantinople, no seizures of property, were ever witnessed in the crusader states. Merchants arranging to go to the east knew beforehand that they would stay there for three to five years. Some would even bring their wives and children. The contracts show names with eastern patronymics, like Bertrand from Syria, John Andrew of Tripoli, John of Acre, Bonvassal of Antioch. Some introduced clauses into their contracts like "if I stay overseas," "if I do not come back from Syria."<sup>177</sup> These are Genoese examples, but Venetian contracts of the same period, or even somewhat earlier, mention merchants as "inhabitant of Acre" or "inhabitant of Tyre," and we even find a Venetian, William Scriba, from Genoese Jubail.<sup>178</sup> These examples illustrate the fact that in the middle of the twelfth century the communes had entered a new phase. Merchants were no longer occasional residents for the duration of a business voyage, a winter, or even a year, but genuine colonists, subjects of their mother-cities but settled in the crusader states. No wonder then that at the end of the first kingdom we find Italian families which had lived in the east for three generations. An example, preserved in a Venetian contract, shows one Peter Morosini as an inhabitant of Acre in the second half of the twelfth century, his son James, who established himself in Tripoli, and his grandson Nicolino, who lived in Acre in 1203, when he signed an agreement with one of the merchant-captains.<sup>179</sup> Peter Morosini still possessed property in Venice when he was described as *Petrus Maurocenus de Acris*,<sup>180</sup> but his descendants probably sold their property in Venice before finally settling in the east.

A different view is taken by Mayer and Favreau, "Das Diplom Balduins I. für Genua und Genuas goldene Inschrift in der Grabeskirche," *Quellen und Forschungen aus den italienischen Archiven und Bibliotheken*, LV/LVI (1976), 22–95. This is contested by Benjamin Z. Kedar.

176. Although, as suggested by Cahen, "Orient latin et commerce du Levant," pp. 328 ff., the trade with Alexandria and Constantinople surpassed by far that with the crusader states, there is no doubt that the absolute volume of the latter was continually growing. Byrne has estimated the volume of trade for the years 1156–1164 at 10,075 Genoese pounds for Syria, but 9,031 for Alexandria. In 1191 alone Syrian contracts reached the sum of 6,000, and in 1205, 8,000; see Byrne, "Genoese Trade with Syria," pp. 202 (note 37), 211.

177. Quoted from Genoese registers by Byrne, *ibid.*, p. 213 (notes 83–84).

178. Morozzo della Rocca and Lombardo, *Documenti*, I, nos. 158, 171: "habitor Achon, habitator Acres"; no. 321: "Guilielmo Scribano de Çebeleto [Jubail]"; no. 373: "habitor in Tyro."

179. *Ibid.*, II, no. 463: "Manifestus sum ego quidem Nicolinus Maurocenus filius quondam Jacobi Mauroceni habitator Tripoli, quod Jacobus filius fuit quondam Petri Mauroceni habitatoris Acconis. . . ."

180. Lombardo and Morozzo della Rocca, *Nuovi documenti*, no. 17 (June 1162).

The sources, so rich in what regards commerce, fail to tell us much about the Italian colonists themselves. They did not as a rule include the patriciate of their native cities, with one notable exception, that of the Genoese "Visconti" family of the Embriachi, administrators of one-third and then lords of the entire city of Jubail. The wealthy nobility, at least in Genoa, controlled the eastern trade, but as far as we can see, did not settle in the east. In Venice, however, there was no patrician monopoly of the eastern trade. From the beginning the average Venetian investment surpassed by far the Genoese individual investment, possibly because Venice had more experience in eastern trade, possibly also because there was more liquid capital to be had in Venice than in Genoa.<sup>181</sup> The Della Voltas of Genoa had just enough liquid capital from city incomes to be able to invest in eastern trade. In Venice the diffusion of capital was greater, and already in the early twelfth century more people than the aristocracy alone could engage in trade.

The aristocracy, as said before, did not settle in the east. Even when participating in military expeditions they would hastily collect their share of the spoils, sometimes substantial,<sup>182</sup> and return to Italy.<sup>183</sup> Those who stayed behind to supervise the communal property were modest people of whom we know nothing but their names, an Ansaldo Corso in Genoese Jubail (1104), or Siegbald in Genoese Acre (1104).<sup>184</sup> Besides these officials the earliest settlers were probably recruited from among the sailors manning the ships going to the east. We know that sailors often invested in commerce that part of their salary paid to them before embarkation. This required knowledge of the east, its population, needs, markets, and commercial privileges. On a different level we find merchants, who often started with a small capital or no capital at all other than their skill and knowledge, and who made their living and sometimes fortunes by joining people of means in the Levant trade. These people, the *socii tractantes* or *portitores*, "factors" specializing in the eastern trade, gradually

181. The Genoese investments were rather small. In Venice the earliest contract (1104) for shipping food from Venice to Otranto and Antioch shows an investment of 150 pounds. Sums of 50, 100, and 200 pounds are frequent at the beginning of the twelfth century. An agreement (*colleganza*) between Henry Contarini and Domenico Giustiniani's widow in 1138 has the latter investing 1,000 pounds in a venture to Acre and elsewhere: Morozzo della Rocca and Lombardo, *Documenti*, I, no. 71.

182. Individual Genoese who took part in the capture of Caesarea in 1101 came away with sizable fortunes: Caffaro, *De liberatione civitatum orientis*, cap. 18 (*RHC, Occ.*, V, 65). For additional data see Praver, *Latin Kingdom*, pp. 391-402.

183. After the capture and division of Tyre, the Venetians "recesserunt omnes ad sua": Fulcher of Chartres (ed. Hagenmeyer), III, 36.

184. Siegbald, the first Genoese viscount, was a canon of the church of San Lorenzo.

abandoned the sea to settle in one of the crusader ports, either as agents of Italian merchant houses or doing business on their own. Some sea captains, often proprietors of ships, might also establish their home port in Syria, without discontinuing their voyages to Moslem and Byzantine ports.

Settlement in a foreign country was probably less of a change for navigators and merchants than for the great mass of European peasants who overnight became burgesses in the crusader states. To settle among fellow countrymen made adaptation easier; lodgings were rented or bought from the communal authorities, and maritime commerce, despite its risks and dangers, remained lucrative. Genoese documents show profits of thirty percent per voyage or per year. Venetian documents tell us that the customary profit was twenty percent,<sup>185</sup> although we find profits of thirty percent<sup>186</sup> and even more.<sup>187</sup> These still seem modest when compared with the "sea loan," in which the interest to be paid for a single voyage might reach one hundred percent, to offset the greater risk.

It seems that the Venetian colonies had a social structure somewhat different from those of the Genoese and Pisans. We discern among the Venetians a higher class of society established in the east, a feature unknown in the colonies of other communes. We know for example that a Vitale Pantaleone, called Malvoisin, son of John Pantaleone, had property in Tyre. Roland Contareno was richly enfeoffed in the same place, and we can trace the same family for three generations in Tyre. William Jordan might have been a Venetian or a Provençal knight who married a Pantaleone and held rich property in the place.<sup>188</sup> The existence of this element in the Venetian colony can be explained by the fact that the Venetians, as masters of a third of the lordship of Tyre, organized their administration by infeodating part of their land and income to Venetians of patrician origin for rent and military services. But whereas a similar practice by the Genoese in Jubail ended with the full independence of the Embriachi,<sup>189</sup> the

185. Morozzo della Rocca and Lombardo, *Documenti*, II, no. 463: ". . . ad rationem de quinque sex per annum, secundum usum patrie Venecie [in 1202]."

186. *Ibid.*, I, no. 53 (1129): an investment of 50 bezants was supposed to return 65; the investor gave final quitance, however, for only half that amount.

187. Whenever only the sum to be paid back (not the sum invested) is indicated, we may safely assume that this was deliberately done to evade the anti-usury legislation.

188. All mentioned in the report of Marsiglio Zorzi describing the commune's property in Tyre and Acre.

189. In 1147 the Embriachi were already twenty years behind in their payments. However, the authorities reestablished them as nominal vassals of the commune; Ricotti, *Liber iurium*,

Venetians, far better organized, kept an eye on their nationals, although some losses were inevitable.

Another reason the Venetians had settlers of a higher social class probably stems from the fact that some of the Venetian representatives in the east who were of knightly origin stayed on. Some had commercial connections before being appointed and then remained in the place. As an example we may cite Domenico Acontano, who in 1184 administered the possessions of St. Mark in Tyre.<sup>190</sup> He later served as bailie of Venice, although not a very successful one.<sup>191</sup> One member of the same family, Guy, witnessed an act of Philip Corner, bailie of Venice in 1222 in Acre, and another, John, served in the same year as ambassador of the Venetian bailie in Acre to the consul of Pisa in the same city.<sup>192</sup> The commercial contracts of the Venetians show a number of noble families not only investing in trade with Acre and Tyre, but actually staying on and doing business in the Latin east.<sup>193</sup> We find, for example, James Dandolo doing business in Acre at the time of his death about 1186. His son John was acting as viscount of Venice in Tyre and Acre in 1209.<sup>194</sup> Since he had guaranteed the loans of his brother Mark, he found himself in an embarrassing position when, as viscount, he had to announce his own insolvency in the court over which he was presiding.<sup>195</sup> Another family was the Dulce (Dulcis, Dous). Manasseh Dulce was viscount of Venice in Tyre, a Thomas Dulce had property in the city and was administrator of the property of St. Mark, a Peter Dulce was known in Acre from

I, no. 137. In 1154 the commune enfeoffed its possessions in Antioch and Acre to the Embriachi: *ibid.*, I, nos. 173, 196. Alexander III in 1180 and Urban III in 1186 tried to intervene on behalf of the privileges of the commune: Röhrich, *Regesta*, no. 580.

190. Morozzo della Rocca and Lombardo, *Documenti*, I, no. 350.

191. He was accused of losing possessions through negligence.

192. Röhrich, *Regesta*, nos. 956, 961.

193. The following are from vol. I of Morozzo della Rocca and Lombardo, *Documenti*: Domenico Michiel, possibly in Antioch, 1104 (no. 31); Marino Michiel and Otto Falier in Acre, 1129 (no. 53); Otto Falier in Syria, 1130 (no. 56); Viviano da Molin in Acre, 1130 (no. 59); Marino Michiel in Tyre, 1132 (no. 62); Henry Contarini in Acre, 1138 (no. 71); Marino Michiel in Acre, 1147 (no. 90); John Dandolo in Acre, 1161 (no. 155); for the three generations of the Morosini, see above, note 179; Peter Ziani in Acre, 1178 (nos. 289, 292); James Dandolo in Acre, 1186 (no. 376); Marco Contarini in Tyre, 1190 (no. 385); Domenico Contarini in Tyre, 1192 (nos. 411-412); and II: James Dandolo in Acre, 1192 (no. 463); John and Marco Dandolo in Acre, 1209 (no. 509); Marco Giustiniani in Tyre and Acre, 1209 (nos. 510, 514, 521); Leonard Querini in Acre, 1209 (no. 514); one of the Nenni, a priest, in Acre, 1209 (no. 514); John and Marco Dandolo in Tyre, 1211 (no. 529). These examples prove that the theory of Sayous regarding capitalists and factors in Venice is untenable; cf. Luzzatto, "Capitale e lavoro nel commercio veneziano," pp. 117-123.

194. Morozzo della Rocca and Lombardo, *Documenti*, I, no. 376; II, no. 513.

195. *Ibid.*, II, no. 521.

1209,<sup>196</sup> a Domenico Dulsi in Tyre in 1211.<sup>197</sup> Another case is that of the knightly family of the Falieri. They appear as early as 1129 and 1130 transacting business in Acre, although we do not know if Otto Falier,<sup>198</sup> mentioned in these early documents, had any fiefs in Tyre. Members of the family, some still in Venice, others in Syria, appear again in 1206, when at the death of Leo Falier his brother Vitale, still living in Venice, was enfeoffed by the doge of Venice, Peter Ziani, with his late brother's property.<sup>199</sup>

As has been said, the settlement of patrician families in the east seems to have been characteristic only of the Venetian colony. Despite a far richer Genoese documentation we can seldom discern any such trait in their eastern colonies, although it was not entirely unknown. The Genoese viscount in Acre in 1212, Simon Rufferio, left his son a fief in the kingdom after his departure from Syria. Belmusto Lercario, consul in Syria in 1203, secured a fief which was still in his family in 1253. On the other hand Simon Malocello, consul in Acre in 1249-1250, who engaged actively and profitably in the eastern commerce just before and after his tenure of office, invested the profits from his large enterprises not by founding a family fortune in the east but by buying up landed property in Genoa,<sup>200</sup> to which he ultimately returned.

We have few sources regarding the Pisan colony in the east. There was a wealthy Pisan in Tripoli with the non-noble name of Plebanus, who rose to the lordship of Botron by marrying the heiress, Marguerite (or Cecilia) Doral, and paying her guardian, Raymond III of Tripoli, her weight in gold.<sup>201</sup> Of Pisan origin also were the members of the "Fraternity of the Vermiliores" participating in the Third Crusade and richly endowed by Conrad of Montferrat (d. 1192). They were probably an essentially knightly brotherhood.<sup>202</sup> Unfortunately neither the origin nor the later activities of this brotherhood are known.

Below this element composed of members of noble families, consular families, or families holding lesser offices at home, and below the ship captains and factors or agents of European houses who set-

196. Thomas and Manasseh are mentioned in the report of Marsiglio Zorzi; Peter Dulce witnessed an act in October 1209, in Acre; Morozzo della Rocca and Lombardo, *Documenti*, II, no. 513.

197. *Ibid.*, II, no. 529.

198. *Ibid.*, I, nos. 53, 56, 57.

199. Tafel and Thomas, II, 11-13. In 1209 Angelo Falier was procurator of St. Mark: Morozzo della Rocca and Lombardo, *Documenti*, II, no. 513.

200. See Byrne, "The Genoese Colonies in Syria," pp. 171-172.

201. *Eracles*, XXIII, 34 (*RHC, Occ.*, II, 50-52).

202. Müller, *Documenti*, nos. 27-28.

tled in the ports of the kingdom, the bulk of the colonists came from the *popolani* of the respective metropolis. Unfortunately no cartulary of any court in the east, nor any register of a notary, makes this anonymous mass more articulate.

The size of the different colonies cannot be statistically estimated, although some impressions can be gathered from the inventories of the different communes. These inventories give some idea of the size of the Italian settlements, and also reveal an interesting feature. The Venetian quarter in Tyre counted some fifty houses (*domus, habitationes*), besides a great number of shops (*stationes*) and warehouses.<sup>203</sup> The Genoese inventory for Acre lists no less than forty-eight houses,<sup>204</sup> which makes it a very substantial quarter. The interesting feature is that some of these buildings, especially the larger ones, the *palazzi*, remained empty during the greater part of the year. While the permanently occupied houses of the Genoese in Acre brought in no more than 358 bezants, the seasonally rented buildings produced more than 1,000 bezants a year. This seasonal renting was done on the arrival of the European ships with the *passagium* or *caravana* once or twice yearly. Then all the *palazzi*, *loggiae*, stalls, and storehouses with their small rooms above were immediately rented to the highest bidder.<sup>205</sup> There is a typical entry in the Venetian inventory: "Two small shops [*stationes*] with a small room above them, which are empty. If rented they pay 24 bezants each per month. But for the greater part of the year they stay empty."<sup>206</sup>

This particular feature is indicative of the nature of the Italian colonies. The colony expanded immensely once or twice yearly with the arrival of the ships from the homeland. The colony was composed, as a rule, of a permanent nucleus, by now substantial in size, and a transient merchant population which stopped in the place to transact its business under the protection of its quarter and then embarked for other ports of the Levant or to Italy.

The interests of these two categories of Italians were not always identical. The transient element was primarily interested in commercial privileges, while the settled colonists were concerned with their

203. Tafel and Thomas, II, 534 ff.

204. Published by Desimoni in *AOL*, II-2 (1884), 215 ff.

205. Marsiglio Zorzi: "Omnes predictae [11] domus incantantur cum caravana Venecia in Accon": Tafel and Thomas, II, 393. "Est una domus . . . que non locatur nisi mercatoribus, qui venerunt de Venecia. Que, cum est garavana in Accon, consuevit incantari in mense Bis. XII": *ibid.*, II, 391. Genoese inventory of its property in Acre: "Possessiones quae ad passagium apautantur": *AOL*, II-2 (1884), 215.

206. Tafel and Thomas, II, 364. The rent is extremely high. On the number of houses and their income, see Prawer, *Crusader Institutions*, pp. 234 ff.



possessions, their business, and their general standing in the kingdom. Holding vineyards and courtyards, and with homes and shops on their own land,<sup>207</sup> they were citizens of the city, not to say of the kingdom, enjoying extensive commercial privileges, giving little in return. Their Frankish co-citizens, paying taxes and owing military service, to say nothing of market tolls and port customs, were in comparison at a distinct disadvantage. Fifty years after the conquest it was easy to forget the services that the Italians rendered in the first decade of the existence of the crusader states. It is not surprising, therefore, that attempts were made to abrogate their privileges. But this was not easy to do; even the Holy See intervened on their behalf. Still their position must have been annoying to the local population. If transient Italians bringing in ships and merchandise might claim to serve the kingdom in some way, this was not true of the permanent Italian settlers. If they paid any taxes on their land in the cities and their neighborhood, it was to their own curia only.

This anomalous situation, of settlers exempt from all obligations yet enjoying all the privileges of burgesses, prompted Amalric, one of the most vigorous kings of Jerusalem, to decide on a new course. In a privilege to the Pisans in 1168, he was careful to indicate that their autonomous jurisdiction excluded "all those who are my men and have houses, income, or real estate in my kingdom."<sup>208</sup> These were to fall under the jurisdiction of the royal court. Raymond of Tripoli followed suit in his privilege to the Pisans in 1187.<sup>209</sup> Bohemond III of Antioch would specify in his privilege to the Genoese in 1189: *exceptis meis burgensibus Januensibus de Antiochia et Laodocia et Gabulo*.<sup>210</sup> Ten years later, in 1199, repeating this exception, he would add a significant prohibition, that the local Genoese could not be accepted into the "commune of Antioch."<sup>211</sup> But even this solution was only a partial one, for the local Genoese could easily arrange with their compatriots resident elsewhere in the crusader states to do their business for them, thus enjoying, as no local residents could, the commercial privileges of the commune. It was to prevent this abuse that Bohemond IV of Antioch extended the earlier prohibitions to

207. In 1154 Pisans received land in Latakia to build their houses: Müller, *Documenti*, no. 4. The privilege of Amalric as count of Jaffa, accorded to the Pisans in 1157, is typical: "placitam unam . . . ut in ea component sibi domos et faciant ibidem forum sibi . . . [et] locum unum ad fabricandum sibi in eo ecclesiam": *ibid.*, no. 6.

208. *Ibid.*, no. 11: "praeter illos qui homines mei sunt et mansiones seu redditus et possessiones stabiles in regno meo habent."

209. *Ibid.*, no. 22.

210. Imperiale di Sant Angelo, *Codice diplomatico*, II, 184.

211. Ricotti, *Liber iurium*, I, 433: "quos in eorum communione recepi non permitto."

make them more effective. In his privilege to the Genoese in 1205, he excluded "the burgesses of the kingdom of Jerusalem, the county of Tripoli, Cyprus, and the principality of Antioch."<sup>212</sup> At the same time Plebanus, the Pisan who became the lord of Botron, limited his own compatriots in the same way. In an exemption from almost all customs in his lordship of Botron, he stipulated: "From this privilege are excepted all those who took the oath of citizenship of Pisa and live in the land of Tripoli and all our men who live in the land of Botron."<sup>213</sup> The aim of this new legislation is best expressed by Henry of Champagne (1192–1197) who, when renewing (and limiting) the privileges of the Pisans in Tyre, added: "If any Pisan holds from me a *burgisia*, then either he leaves it to me and will be free as other Pisans, or if he wants to hold my *burgisia*, he will be obliged to me as are other burgesses."<sup>214</sup>

The purpose of these limitations was to confine the commercial privileges to those whose commerce brought in revenue and business, and to ensure that services in taxes or otherwise should be paid by those who earned their living in the country, and who until then had been exempted from obligations by virtue of privileges accorded to their communes two or three generations earlier. Furthermore, it also meant the abrogation of extraterritoriality of Italian settlers in the east. They would have to become burgesses of the different lordships, juridically on a par, although living in their own quarters, with other burgesses in the cities. The need for such a reform is self-evident; we can assign the innovation to Amalric's privilege to the Pisans of 1168. Together with the *Assise sur la ligèce*, which was intended to bring the subvassals into immediate contact with the king, the leveling of the status of the nationals of the communes would go far to integrate Frankish society in the kingdom. It is quite possible that Amalric received his inspiration from the Byzantine empire, where some years earlier Manuel I Comnenus had curtailed the Venetian (and possibly other Italian) privileges, introducing the distinction between traveling Italian merchants and those permanently established in the empire. The latter were to become, as our Greek source indicates, *bourgesioi* of the basileus.<sup>215</sup>

The constant recurrence of the limitation clauses in the privileges

212. *Ibid.*, I, 522.

213. Müller, *Documenti*, no. 53 (1202): "excepimus omnes illos qui iurebunt amodo honorem Pisane civitatis et habitantes sunt in terra Tripolis, et omnes nostros homines, qui habitant in terra Botroni."

214. *Ibid.*, no. 37.

215. Joannes Cinnamus, *De rebus gestis . . . Ioannis et Manuelis Comnenorum* (Troyes, 1652), p. 307; cf. Heyd, *op. cit.*, tr. Raynaud, I, 200.

suggests, however, that it was the colonies which triumphed and not the Frankish rulers, whose legislation came too late. It was not until seven years after the fall of the Latin kingdom that we find general legislation in the kingdom of Cyprus regarding *borgesies* in the hands of Italian settlers. By an ordinance of 1298 Henry II ordered the nationals of the communes to get rid of their *borgesies* within six months under threat of confiscation. Only with the king's assent were they to be allowed to hold *borgesies*.<sup>216</sup>

The economic power of the communes and their political standing were strengthened during the thirteenth century because of the disintegration of Frankish society. The support needed by rulers or those who claimed to rule strengthened the bargaining power of the communes and their settlers in the east. In times of crisis the communes were courted and received privileges, such as those accorded to the Pisans by Conrad of Montferrat in October 1187, granting them full jurisdiction over Pisans of whatever status, excluding only holders of fiefs and money-fiefs.<sup>217</sup> Another example is the privilege of Guy of Lusignan of November 1189, which was probably worded in a fraudulent way, so as to make any royal taxation of Pisans impossible.<sup>218</sup> Henry of Champagne tried to reverse this development in his privilege of May 1198, but such efforts were the exception and of no avail. The communes regarded themselves as part-lords of cities with full jurisdiction over the land and inhabitants of their quarters. An arbitration of 1212 shows the viscount of the Genoese in conflict with the consul of Pisa respecting the jurisdiction over a woman who had a *burgisia* in the Genoese quarter.<sup>219</sup>

The relative importance of the communes grew continually after the Third Crusade. The diminishing immigration from Europe, the internal political strife, and the financial situation brought into prominence those groups of society which, because of foreign affiliation, could take advantage of these difficulties. This was true both of the military orders and of the communes, who became controlling powers in the kingdom. The physical bases of their strength were the inhabitants of their quarters in the ports of the country and their navies controlling the seas.

With the end of the crusade of Frederick II we enter the gravest

216. As a matter of fact, Henry II's privilege (1291) to the Pisans of Nicosia says: "salvo di facto di giustitia et di borgesia": Müller, *Documenti*, no. 73.

217. *Ibid.*, no. 23.

218. *Ibid.*, nos. 23-25, 31-32.

219. *Ibid.*, p. 439 (*illustrazioni*).

period in the history of the kingdom. The state virtually disappeared as a political unit, and society was in chronic turmoil. The rival factions of nobility, the rivalries of the military orders, and the wars of the communes made the kingdom in the middle of the thirteenth century the most unedifying spectacle in Christendom. In these conditions any organized group became a power to be courted by the different factions. One has only to read the report of the Venetian viscount in Acre, Marsiglio Zorzi, in 1243–1244, when offering his commune's help to enthrone princess Alice against the claims of the Hohenstaufens, to realize that state and society were entirely atomized, and that there was no state interest to preserve unity or prevent decadence and collapse. We should like to know more about the Italian colonies in the period following the murderous war of St. Sabas in the middle of the thirteenth century, when Acre became the battlefield of Italian rivalries and jealousies, when whole city quarters were destroyed and stones and columns were taken as trophies of war to Italy.<sup>220</sup> We know far more about political events and the everyday fratricidal battles fought from the walls and ramparts of the city than about the lot of the population inhabiting the commercial quarters.

One feature seems to be clear, that the numbers of Italians permanently settled in the kingdom had grown. More and more people bearing such eastern patronymics as Bonvassallo of Antioch,<sup>221</sup> Ribaldus of Antioch,<sup>222</sup> Conrad of Acre,<sup>223</sup> and Roger de Ultramaré<sup>224</sup> are mentioned in the national notarial registers. Not only professional merchants but also artisans engaged in the Levantine trade. One may assume that these *fabri, scutarii, or taiatores (tagliatores)*<sup>225</sup> borrowing money to trade in the east and carrying with them their own products, would stay on in the east, although a good many artisans invested their money only, themselves remaining in the west. Wealthy colonists bestowing large dowries, even of 1,000 bezants,<sup>226</sup> on their

220. The *colonna acritani*, two of which still adorn, rather incongruously, the Piazza San Marco in Venice, and which were traditionally linked to this event, came, it is now claimed, from Constantinople; see R. Martin Harrison and Neziha Firtali, "Excavations at Sarachare in Istanbul," *Dumbarton Oaks Papers*, XIX (1965), 231–236.

221. *Lanfranco*, nos. 46, 87, 141, 330.

222. *Ibid.*, nos. 550, 610, 1299, 1312.

223. *Ibid.*, no. 1087.

224. *Ibid.*, no. 1111. Among those involved in a process in Genoa (1224) about debts and the sale of a ship in Acre, there were: "Obertus de Sancto Donato qui est Ultramaré, Guilielmus de Sto. Donato qui est Ultramaré et frater eius qui est Ultramaré, Ugo de Campo qui est Ultramaré, Bonvassalus et Rainerius eius cognatus qui sunt Ultramaré, Jacobus magister axie qui est in Baruti": *Liber magistri Salmonis*, ed. Ferretto, p. 739.

225. *Lanfranco*, nos. 1130, 1181, 747.

226. The average income from a fief in the kingdom was 500 bezants a year.

daughters to secure a good marriage in the mother-city, and sons following their fathers to the east and later settling in the place despite the remonstrances of their families,<sup>227</sup> occur frequently.

Another indication of the increased number of colonists in the Latin east is the emergence of institutions enabling the colonists to impose control in some measure over officials sent from the European metropolis. The *consules* and *vicecomites* were appointed in the mother cities in Europe, usually from among men who had experience in the east. But they were appointed for a short term, usually not more than a year. Consequently an institution grew up which guaranteed that the management of local affairs would be based on knowledge of local conditions and would ensure the continuity of local policies. This institution was the *consilium*, mentioned several times after the middle of the thirteenth century, but without doubt existing earlier, perhaps from the beginning of the century.<sup>228</sup> The nature of this body is not very clear. It might have been a general assembly of the settlers, a kind of *magnum consilium*, but in all probability it was a select body of the leading members of the colony, more or less formally elected by the settlers. The scarcity of published documents does not permit us to say more.<sup>229</sup>

An indication of the cohesion of these colonies is the use of oaths, which in medieval usage gave the colony a corporate entity. We read that the inhabitants of the Venetian quarter of Tyre were obliged (1243) to take an oath of allegiance to Venice, which was also required of non-Venetians buying houses in the Venetian quarter.<sup>230</sup> An oath was imposed on the Genoese of Tyre in 1264. Whenever a change of officials occurred the new consuls and their counselors had to swear to keep the agreement with the lord of Tyre. But in addition, an oath of allegiance (worded in feudal terms) to the lord of Tyre was required of all Genoese staying in Tyre.<sup>231</sup>

In comparison with Venice and Genoa, the commune of Pisa had fewer possessions in the kingdom, and one has the impression that

227. Byrne, "Genoese Colonies in Syria," pp. 162 ff.

228. Expressly mentioned in Tyre (1206): "in palatio communis Januae ubi regitur consilium": Tafel and Thomas, III, 40. The agreement of 1264 between Philip of Montfort and the Genoese is signed on behalf of the latter by the *consilium Januae*: *AOL*, II-2 (1884), 225.

229. Among the Genoese witnessing an inventory of the commune's possessions (1249) was Peter Straleria, whose family, a branch of the Visconti, later related to the Malloni, was for some three generations connected with the east. The tombstone of John Straleria (d. 1203) is preserved in the museum of St. Anne of Jerusalem; cf. Belgrano, "La Lapide di Giovanni Stralleria e la famiglia di questo cognome," *Atti della Società ligure di storia patria*, XVII (1885), 198-225; and de Sandoli, *Corpus*, pp. 146-147.

230. Tafel and Thomas, II, 360-361.

231. *AOL*, II-2 (1884), 228.

the size of its colonies was smaller. The commune of Pisa, as we learn from a lengthy document, embraced Tuscans — people from Florence, Lucca, San Gimignano, Siena, and other such localities — who declared themselves Pisans in order to benefit from the privileges enjoyed by the Pisans (for which they probably paid), at the same time recognizing the authority of the consul of Pisa.<sup>232</sup> The same attitude of suspicion, noticeable in Genoa and Venice in regard to their representatives in the east, can also be found in Pisa. As late as 1286 the elected consul was barred for life from holding the same office again; the same was true for the official notary. Even the *consiliarii*, one a lawyer and the other a well-known merchant, were appointed in the mother city.<sup>233</sup> But in practice things worked out differently. A document from San Gimignano (1245) tells us that “the Pisans who are in Acre agree among themselves as to the consul and then send to the commune of Pisa, so that they should send the man proposed by them, and the commune of Pisa sends them the man they require.”<sup>234</sup> If this was the practice regarding the consul, it is more than likely that it was also the practice in electing the counselors. Still, the mother city took care first and foremost of its traveling nationals, curtailing the right of the eastern Pisans to tax them in any but exceptional cases.<sup>235</sup>

Smaller communes like Marseilles do not seem to have created any large permanent settlements. Even the late statutes of the city (1253–1255) give the impression that the *fundacum*, the warehouse, and its guardian, the *fundegarius*, were the pivot of the commune’s interests. The *rector* of Marseilles appointed the consul from among merchants going to Syria; he also appointed the counselors. The commune took a realistic view of its foreign representatives, requiring consuls to swear

232. “Si dixerint dictos consules preesse omnibus de Tuscia in Accon . . . dicant quomodo sciunt et si coguntur Florentini, Luccenses, Sangeminiacenses, Senenses et omnes alii de Tuscia dictis consulibus subesse si nolunt”; and again: “Quia homines de Tuscia, qui sunt in partibus ultramarinis libenter confitentur se Pisanos et gerunt se pro Pisanis, quia sunt franchi ad catenam”; Robert Davidsohn, *Forschungen zur Geschichte von Florenz*, part II, *Aus den Stadtbüchern und Urkunden von San Gimignano* (Berlin, 1900), pp. 297, 298.

233. *Breve Pisani communis* (1286), 177, in Francesco Bonaini, *Statuti inediti della città di Pisa dal secolo XII al secolo XIV*, vol. I (Florence, 1854).

234. Davidsohn, *Geschichte von Florenz*, II, 298.

235. *Breve Pisani communis*, 177, in Bonaini, *Statuti inediti*: “Datam vel tinam aut collectam seu aliquid aliud, quocumque nomine censeatur, dictus consul, consiliarii et universitas Pisanorum in Accon non possit exigere . . . ab aliquo cive Pisano, nisi solum pro guerra comunium alicuius mansionis, aut domini, vel baronis illarum partium christiani.” The practice of taxation was current, as we learn from Genoese notarial registers. It was stipulated, for example, that loans contracted in Genoa to be paid back in Acre at a given rate, should be done “mundos a curia Janue et omnibus dispendiis et avariis” and “mundos a consulibus”: *Lanfranco*, nos. 1150, 1175.



not to establish prostitutes in the *fundacum*. The *fundegarius* received his orders directly from the rector and the consul had no right to countermand them. In emergencies, ten or fifteen merchants had the right to elect a consul until the rector appointed one.<sup>236</sup> In the last quarter of the thirteenth century Marseilles's settlements in the east are reminiscent of those of the Italian communes 150 years earlier, in the first phase of their expansion in the Mediterranean.

The first outburst of colonizing fervor came to an end in the last quarter of the thirteenth century. By that time French written privileges were showing unmistakable influences of Italian; a Mediterranean "lingua franca," a mixture of French, Italian, and Greek, was spoken in the ports, making its way into written deeds. By that time, too, the Italian settlements had undergone profound changes. Despite their autonomy, despite their independent jurisdiction, they had adopted local customs even in their personal affairs. Nothing is more revealing than a Genoese marriage contract written in Acre in 1273, in which the marriage settlement was drawn up *secundum morem et consuetudinem civitatis Accon*.<sup>237</sup> The facts of intermarriage, and daily contacts with other Italians and the *pullani*, created conditions where social distinctions and differences in customs were slowly disappearing. But this process, which might have created a Levantine society in the modern sense of the word, was not allowed to continue. The Latin kingdom disappeared, and colonization of Syria and Palestine stopped, to be continued elsewhere in the Mediterranean and later on across the Atlantic in the New World.

236. *Statut de Marseille de 1253 à 1255*, I, cap. 17, in Fagniez, *Documents relatifs à l'histoire de l'industrie et du commerce en France*, I, 176–194; "De consulibus extra Massiliam constitutendis," in *Les Statuts de Marseille*, ed. Régine Pernoud (Monaco and Paris, 1949).

237. Müller, *Documenti*, no. 102.