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The Sovereign State and Its Competitors

AN ANALYSIS OF SYSTEMS CHANGE

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The Economic Renaissance of the Late Middle Ages

This age marked Europe's true Renaissance . . . two or three hundred years before the traditional Renaissance of the fifteenth century.¹

Sovereignty is not a fact. It is a concept which men in certain circumstances have applied—a quality they have attributed or a claim they have counterposed—to the political power which they or other men were exercising.²

THE CATALYST: THE EXPANSION OF TRADE AND THE GROWTH OF TOWNS

In the later stages of the eleventh century the European economy started to expand dramatically. Agricultural production rose, forests and wastelands were cleared, and migration to previously uncultivated areas increased. As a result, trade grew, new towns emerged, and older towns expanded. For Marc Bloch, the French medieval historian, this period was unique and distinct from the early medieval period—it was a second feudal age.³

There were many causes of this economic expansion, and they are still debated. What is clear, however, is that a variety of events occurred to stimulate trade. Agricultural production accelerated with the development of the heavy plough and the three-field system. The climate seems to have become milder. The invasions by Vikings, Magyars, and Saracens halted. Finally, there was a dramatic growth in population. All of these factors led to an upswing in consumer demand and production.

The causes of this economic upswing need not concern us here.⁴ The important point is that the increase in economic production foreshadowed the return of local and long-distance trade. In contrast to the old, largely local, and often in-kind nature of exchange, the newly expanding monetary economy encouraged the division of labor and the growth of towns.

Monetarization of the economy had a profound impact on the existing political structure. It inevitably affected the system of in-kind transfers, the linchpin of feudal organization. Lords started to commute their military service into monetary payments, scutage. Likewise, rather than receive agricultural products, they preferred land rents from their peasants. Most important, however, was the rise of the towns.

Henri Pirenne was one of the first to assert that the growth in size and the increase in the number of towns were critical to European development.

Towns and long-distance trade were inexorably linked. "It was therefore trade on a big scale or, if you prefer a more precise term, trade over long distances, that was characteristic of the economic revival of the Middle Ages . . . in step with the progress of trade, towns multiplied."⁵ The increasing level of urbanization, particularly in northwest Europe, was thus directly linked to the expansion of trade. More recently, Fernand Braudel likewise argued for the importance of urban centers in the early European economy.⁶ Although a variety of critiques have been leveled against Pirenne's work (particularly against his argument that the Muslim takeover of the eastern Mediterranean led to a decline of trade following the seventh century), his thesis regarding the connection between urbanization and trade has stood the test of time.⁷

Pirenne's thesis states that the growth of trade, from the eleventh century on, led to the emergence of merchants with distinct interests. In order to evade feudal and ecclesiastical rule, the merchants moved outside the existing towns and created walled areas of their own, the suburbia, which were distinct from the older feudal strongholds.⁸ They called these *newbourghs* or *newburgs* to differentiate them from the old feudal fortification, the burg. In Dutch and English they were called *portus* (hence *port*), meaning a point of transfer, not necessarily on the sea, for merchandise. Their inhabitants were thus called *burghers* and *poorters*. In addition, merchants founded new towns altogether. Fritz Rörig, also a proponent of the importance of long-distance trade, argues that in Germany "the most important towns of the twelfth and also of the early thirteenth centuries were created in the main by enterprising burghers of the Old German towns."⁹

Many European towns that exist today can be traced to this period. The towns that do not find their origins in this era of expansion date from the Roman period. As we will see in the following discussions of France and Germany, new urbanization was particularly prominent in frontier areas, which had been relatively underdeveloped.¹⁰ Both high lords and kings, eager to capitalize on new economic opportunities, and associations of merchants from old towns founded these new urban centers. The expansion of trade created incentives to found many new villages and towns in previously underdeveloped areas and allowed existing towns to increase in size, expand their revenue, and foster specialization of labor.

This trade expansion set a great economic transformation in motion. This does not mean, however, that agriculture disappeared. Most people continued to live outside the towns, and the economy remained agricultural. My argument is not that the medieval renaissance led to a predominantly mercantile and industrial economy. Instead I argue that the towns improved their relative position and had an influence on the old economic and political order far beyond their objective share of the overall economy.¹¹

The result of this economic dynamism was that a social group, the town dwellers, came into existence with new sources of revenue and power, which did not fit the old feudal order. This new social group, the burghers, had various incentives to search for political allies who were willing to change the existing order. Neither the burghers' material preferences nor their belief systems fit

TABLE 4.1
A General Explanation of Unit Change

Generative Phase

Independent variable: Economic growth and expansion of trade (1000–1350).

Intervening variable: New coalitions become possible because of shifts in relative power caused by economic expansion. Towns emerge that do not fit the old feudal order. They seek to create new institutions by allying with political entrepreneurs.

Outcome: A variety of new institutions—sovereign, territorial state; city-state; and city-league.

Selective Phase

Causes of selection: Competition
Mutual empowerment
Mimicry and exit

Outcome: Sovereign, territorial state.

the existing institutional and conceptual frameworks. "The new trading and commercial classes of the towns could not settle into the straightjacket of the feudal order, and the towns became a chief agent in its final disruption."¹² The causal argument to come is captured schematically in Table 4.1.

Some General Expectations on the Preferences of Towns

Towns, that is to say the burghers, had two competing preferences. On the one hand, they had a preference for the greatest amount of independence possible. Given that political authority tended to exploit the towns for revenue or military service, the bourgeois had reasons to resist political domination by outside forces. On the other hand, a stronger central authority would benefit translocal trade. Protection from robbers, pirates, and demanding feudal barons, as well as reduction in the prolific amount of feudal exactions and tolls, would benefit long-distance trade. Poggi succinctly states the reasons for towns to support central authority:

Generally speaking, the towns' interests were favored the wider and more uniform the context of rule within which they operated [*sic*]—at any rate insofar as it fell upon that context to police the traffic, to provide a reliable coinage, to enforce market transactions, etc. This is why, between the two forces whose relations defined the feudal system of rule—the territorial ruler and the feudal powers—the towns tended to favor the former.¹³

Preferences depended on the level of urbanization made possible by the extension of trade and on the specific nature of trade. Where trade was significant, wealth and population accumulated, and consequently an advanced divi-

sion of labor emerged.¹⁴ The significance of trade might be measured in terms of volume and value. Given the wide diversity of towns, it is very difficult to make generalizations about the profit margins and volume of French trade. There were hundreds of small local markets where trade dealt primarily in agricultural bulk goods. Yet there were also a few towns such as Bordeaux where traders could make substantial profits by shipping more expensive goods such as wine. Moreover, it is extremely difficult to get exact data for these small-scale transactions because records simply were not kept.¹⁵

Nevertheless, it is fair to say that in France the impact of trade was relatively low.¹⁶ French medieval towns did not generally participate in the long-distance trade of the Middle Ages. Instead, most of them catered to regional markets. France remained a highly rural and agricultural society. "France was a peasant nation, rather cut off from large scale commerce."¹⁷ Trade was primarily of relatively low volume and of low added value. It may be true that profit margins for maritime trade could be as high as 30 to 40 percent. It seems more likely, however, that the profit margins of this bulk trade were closer to the profit margins of the Hansa which were between 5 and 25 percent. Profits on local trade and investments in land, which as I said were far more usual in the French case, were between 5 and 10 percent.¹⁸ As a consequence, urban development was relatively modest except for the areas in the north, particularly Flanders.¹⁹ Most towns, except Paris, were thus relatively small and accumulated only modest amounts of capital.

Trade in Germany was more significant. In particular, the towns along the North Sea coast and the Baltic as well as the towns along major rivers such as the Rhine engaged in long-distance trade. This trade was primarily of high volume but of low added value. "So in their heyday the Germans of the north monopolized a commerce predominately in bulk goods of relatively low value, unlike those trades in luxuries or bullion which elsewhere developed under Italian and Iberian control."²⁰ That is, the towns of the Hanseatic League traded primarily in bulk goods such as timber, grain, and herring. As said, profit margins ranged from 5 to 25 percent.

Italian towns engaged in long-distance commerce more than any others. Towns such as Florence, Venice, and Genoa traded many goods, including bulk items such as grain, but the trade in luxury goods of small quantity especially created the wealth and size of the Italian towns. The trade in high-quality textiles and spices led to profit margins ranging from 20 to 150 percent.²¹ This type of trade encouraged a highly advanced division of labor. As a consequence, the Italian towns were large and abundant.

By measuring the volume and value of trade, we can conjecture what the towns preferred political organization might have been (see Table 4.2). Both the German and French towns faced roughly similar environments. These towns were relatively small in size and wealth and thus required some form of organization that could pool their resources together as an effective force against their political adversaries. Given that towns had to contend with political opponents who wished to subject cities for their own benefit, for example,

TABLE 4.2

Expected Preferences of Towns Based on Character of Trade (generative phase)

	<i>Character and level of trade</i>	<i>Expected preferences</i>
French towns:	low volume low added value	Corresponding level of urbanization relatively low, with the exception of Flanders and northern France. Towns prefer central organization to provide protection and improve economic climate (standardization, reduction of transaction costs, etc.).
German towns:	high volume low added value	Moderate level of urbanization. Towns need a central actor or league to pool their resources for defense and to improve economic environment (standardization, reduction of transaction costs, etc.).
Italian towns:	moderate volume high added value	High level of urbanization. Large towns with considerable resources do not need central actor for protection. Predatorial market suggests competition rather than collusion. Competition for market shares with high payoffs.

to gain revenue, towns would have to band together or seek territorial lords who were less predatorial than others. Hence, towns required either city-leagues to pool their resources or high territorial lords who were willing to mitigate their exactions from rival lords.

Furthermore, because these towns faced a competitive market environment where there were many suppliers and buyers and where profit margins were quite slim, they would benefit from a central authority which could override the drawbacks of the feudal system. Because of political fragmentation in the feudal environment, merchants had to engage in multiple overlord-peddler deals.²² In addition, the multiple jurisdictions with their tolls and different weights, measures, and coinage were highly inefficient. In economic terms, these towns would benefit from central organization which could lower transaction costs.

Additionally, it would have been difficult for any one town to capture a large share of the market on its own. Although city-leagues as a whole would try to bar entry to outside competitors—indeed the very name *Hanse*, or *Hansa*, is derivative of guildlike organizations of merchants—no one town could obtain a monopoly position by itself. Although some towns were far more important than others—Cologne and Lübeck, for example, were leaders of the Hansa—there were still dozens of others that could compete with them.

The Italian towns faced quite a different situation. Because of their size and wealth, they could yield considerable force of their own. Genoese revenues at

the end of the thirteenth century outstripped those of France, and Genoa could mobilize almost 40,000 troops by 1295.²³ Towns were large and strong enough to oppose political foes alone. They did not need to band together or seek protection from any territorial lord.

Furthermore, within their market, individual towns could try to capture a trade-route monopoly. Because trade was of relatively small volume but very high in added value, towns were predatorial rather than cooperative, and attempts were made to capture particular trade routes in order to secure monopolies.²⁴ There was a lot to be gained by knocking out the competition.²⁵

Although these might have been the towns' preferred political outcomes, political outcomes clearly cannot be predicted by the towns' preferences alone. Powerful political opponents, most notably the secular and ecclesiastical lords, had to be overcome. To accomplish that, towns needed political allies. But those political allies had agendas of their own. Highly diverse organizational outcomes were shaped by how these internal realignments were settled in the different regions. In short, although expanding trade was the impetus for change, it can only provide a partial explanation, for it alone cannot explain actual outcomes.

The variation in outcomes across the three cases of this study—France, the Hansa, and the Italian city-states—must be explained by variant combinations of social and political actors. These political coalitions form my intermediate explanatory category.

First, as I just suggested, the composition of the social coalition will depend on the level of impact of the external change.²⁶ France, for example, benefited from the growth in trade, but it did not have great trading cities strong enough to oppose political foes alone. French towns could prove to be a valuable ally to the king,²⁷ but they were not strong enough to further their own interests without a sovereign.²⁸ The relative power of towns is thus a first predictor of the political alliance.

Second, the coalition will be determined by the specific material interests of the various groups. In France, for example, the towns wanted to be relieved from the onerous feudal burdens and sought royal protection. In Italy towns sought primarily to curtail exactions by the emperor and to gain a monopoly over trade. Material interests thus depend on the type of trade that cities engage in, but they are also influenced by the composition of the ruling coalition. In France feudal lordship had developed much further than in northern Italy. In Italy much of the aristocracy had early on turned toward mercantile pursuits. Indeed, the whole nature of Italian towns was different. These towns were largely of Roman origin, whereas the German and French towns were products of the second feudal era. The dichotomy of bourgeoisie and aristocracy was thus less pronounced in Italy than in France and Germany, and this influenced the burghers' preferences.

Finally, the composition of the alliances is determined by the specific preferences of the actors involved. We shall see, for example, that although German towns might have wanted a centralizing authority, the German king opted in-

TABLE 4.3

Historical Paths of Institutional Development (generative phase)

	<i>Expected preferences of towns</i>	<i>Actual political coalitions</i>	<i>Outcome</i>
France:	central actor	Weak kings ally with towns. Bargain based on shared material interests regarding tax structure and royal administration as well as shared perspectives on preferred social order. Aristocracy and clergy paid off by pension schemes and tax exemptions.	sovereign, territorial state
Germany:	central actor	German king (Holy Roman Emperor) pursues imperial strategy in Italy and surrenders control over the German towns to the feudal lords. After failure in Italy, the king becomes a figurehead. Towns form leagues against the lords.	city-leagues and independent lordships
Italy:	urban independence	Urbanized aristocracy. Unlike Germany or France, no clash between towns and lords. Bourgeois and nobles resist central control by German emperor or pope.	city-states

stead for an Italian strategy. To pursue that, he surrendered Germany to the lords (see Table 4.3).

I argue that the fundamental transformations of the late medieval period were set in motion by the dramatic changes in the economic environment. The expansion of trade is thus the independent variable in my account.²⁹ Trade created new incentives and shifted the distribution of relative power in society. Political entrepreneurs and social groups created new coalitions to alter the existing set of institutions. However, these coalitions did more than reshuffle the benefits and gains produced by existing institutions. They redefined the realms of the possible and invented altogether new rules of authority. These coalitions were made possible by the shift in material power, but substantively the content of their political bargains was a conceptual revolution as well.

IMAGINING THE SOVEREIGN STATE

In the systems of rule that we have discussed so far, authority is exercised on the grounds of some readily identifiable shared affinity. The identity of the political community derives from shared kinship, similar religious beliefs, or highly personalistic ties of mutual aid and submission. But as Michael Walzer has pointed out, the sovereign state needs to be imagined and personified before it can exist.³⁰ Or, as German medieval scholars phrased it, the transition

from feudal lordship to territorial state required reification and objectification of authority.³¹ Feudal relations in many ways resembled a form of artificial kinship, quite often fortified by real kinship ties through marriage alliances. In feudalism, one entered into explicit bonds of mutual service and dependence. In a theocracy, shared faith is the marker of those who form part of the community—shared rituals, gatherings, and feast days reinforce the presence of the community of believers. But what does it mean to be part of a territorial collectivity?

The emergence of sovereign, territorial rule was, therefore, not merely a fight between the forces favoring fragmentation versus centralization; it was a contest about the very nature of authority and kingship. Early kingship was perceived to derive from the person. The kingdom was the king's personal possession. He could do with it as he pleased. When the king died, the king's peace ceased. Sudden deaths of monarchs required an immediate investiture of the next in line. There was no differentiation between the office and the person, no difference between the kingdom and the possessions of the king. Yet when Louis XIV supposedly equated himself with the state, he contravened the realities of political discourse of the seventeenth century. Realm and royal possession had been separated centuries earlier in the Late Middle Ages. Thus when the French king wished to sell a part of the realm during the Hundred Years War, he was admonished that the public realm was inalienable. The king had become protector of the common weal.³²

Moreover, as Holzgrefe, Kratochwil, and Ruggie indicate, sovereignty introduced a radically different way of ordering international transactions as well.³³ Political authority recognizes mutually agreed upon spatial demarcation of its authority and conversely grants the other political actors the same right. The sovereign state system is based on the principle of juridical equivalence. In this sense the emergence of the sovereign state and a state system represent a cognitive shift. A pure materialist explanation does not suffice. Despite similar patterns of economic growth and expansion outside Europe, sovereign territoriality never gained acceptance there.³⁴ We must therefore account for the confluence of material changes and conceptual transformations which together propelled the European development of a system of territorially defined and juridically equivalent authorities.

The idea of the state required a reorientation in the existing set of beliefs. How did this new idea of spatial and hierarchical organization win?³⁵ How did the idea that exclusive territoriality should become the dominant principle of order gain support?

I will argue that shared perspectives led to royal-burgher affinity and the subsequent empowerment of new ideas. New belief systems emerged to justify alternative patterns of rule and simultaneously provide meaningful interpretations of new activities. But although this shift in beliefs and values was important, it alone cannot explain the decline of the medieval order. Much of Europe was exposed to similar new ideas and values, yet political outcomes differed. For example, although the emergence of a monetarized economy and pursuit of profit brought with it a revaluation of manual labor and economic gain, this

was true throughout much of western Europe. Moreover, Germany, France, and Italy all had access to Roman law, and consequently all their social and political elites were familiar with the idea of sovereignty. Yet institutional outcomes differed quite radically in all three. Changes in belief systems alone cannot explain the institutional variation.³⁶

Following Max Weber, I take the position that there is an elective affinity between ideas and certain material practices. Individuals who engage in particular activities such as warfare or the pursuit of monetary gain will be predisposed to ideologies that explain and justify the activity to the agent.³⁷ Elective affinity is a predisposition to certain ideas, not the instrumental construction of values or ideas solely to serve one's material interests. Weber does not deny the independent status of ideas. There are always charismatic individuals who can determine the limits of the possible and redefine the contours of the permissible. But whether such ideas become routinized will depend on their material support. The carriers of such ideas will often depend on economic power or coercive means to spread and develop these ideas. Social groups will look for political allies who can advance their preferred order. Conversely, political elites have an incentive to propagate and foster new ideas to gain support from social groups. They manipulate cultural symbols for their own instrumental reasons.³⁸ It is thus the correspondence of interests and ideas that brings actors together in a coalition and thereby empowers new sets of ideas in political practice.³⁹

For these reasons this explanation ultimately places primacy in changed material conditions. Without the broad changes in overall milieu and the upswing in trade, those political and social actors who favored new ideas about legitimate authority and who had alternative views of validation of labor and profit would not have succeeded. That is, whereas the creation of new belief systems is not epiphenomenal to these material changes, new beliefs do depend on material conditions for their routinization. The shift of beliefs in the late medieval period is thus an intermediate explanatory variable.⁴⁰

*The Medieval Belief System*⁴¹

All logics of organization contain some assumptions about time and space.⁴² George Dumézil believed the phenomenon is cross-cultural, that the ruler "must try to appropriate time for the same reason that he appropriates space."⁴³ Medieval ideas about space and time were largely determined by the church. Christian religion determined space by the boundaries of the community of the faithful. The church occupied space but did not define its claims of authority by it. Its rule did not derive from exclusive control over fixed territorial areas. Moreover, as a consequence of religious practice and material conditions, the medieval view of geographical space was at once local and particularized but, paradoxically, also translocal and distant.

Jacques Le Goff speaks of an itinerant society. Some were pilgrims, others were crusaders in search of adventure and economic gain, and others were simply people uprooted by war and pestilence. At the same time, life was local-

ized. The nucleus of economic organization remained the manor. Real political control was in the hands of local feudal lords, even keepers of particular castles. Written law was sparse. Custom dominated. Claims to ownership were established by the principle of *seisin*; simple occupation over time established one as a just claimant. Currency, language, law, all these varied widely across small areas of geographic space. In sum, what was in name a Christian *ecumene* was in another sense an incredibly localized world.

Likewise time existed on two levels. First, there was time in terms of life and afterlife. In an ephemeral sense, in the doctrine expounded by St. Augustine, all believers were but pilgrims in search of eternal salvation. All moments on earth were but a prelude to eternal time ahead. The reckoning of time was thus reckoning by the Holy Book. History was therein revealed. Unknown to the believers, but indicated to them by prophecy, there would be a time when God would end this earthly existence. The end of the millennium was a natural marker for many Christians.⁴⁴

On the level of everyday activity there was a general indifference to time.⁴⁵ Only the members of the church kept time. The church marked the passage of the year by Christmas, All Saints Day, and other holy days. The passage of the day was reckoned by the time before and after services.⁴⁶ The church thus had a monopoly on time. It alone kept the day and times of year, it told people which days were holy and which not, it determined when to work and when not to; that ability itself tells us something about the dominant position of the church in the social order.

Overall, the measurement of time varied widely. The year began on different dates in different countries depending on the dominant religious tradition. Thus the year began on Easter in France. January 1, a later demarcation, was apparently based on the dating of the circumcision of Christ. Likewise, the day began at different points—sunset, midnight, or noon—depending on locality.

The clergy also advanced a theory of social stasis, the theory of the three orders. In its simplest form it asserted the supremacy of the clergy over the nobility and of the nobility over the peasantry. The distinguishing mark was the activity in which the individual was engaged: the life of contemplation, the life of combat, or the life of toil.⁴⁷ This was not simply a preferred social order but an order that reflected divine regulation. It was homologous with heaven.⁴⁸ It was thus a way of understanding one's place in the world. Stratification and hierarchy were reflections of cosmological design. Other activities, such as commerce, had no meaning if they were not directed to a religious purpose.

The church used a variety of ways to implement this proposed stratification. For example, only nobility and clergy could take oaths. Oath taking was thus a marker of perfection, the ability to comprehend the word of God. The church for that reason supported the nobles' suppression of peace societies. These societies, which were voluntary associations of manual laborers, were based on oaths of mutual support. But oaths could only be taken by those within the assigned strata. Hence, to take an oath was to defy hierarchical authority. It introduced dangerous notions of equality in association and the idea that compacts before God could be valid without the approval of the church hierarchy.

The effect of this restriction on taking oaths was to make legal practice the exclusive province of members of the elite.

Clerical texts also constructed lists of licit and illicit trades.⁴⁹ These lists were quite lengthy and encompassed many trades. Spiritual activity was superior to material activity. The church condemned any activity specifically geared to making profit. Usury and education for pay were condemned as well. The taboo on money played an important role in the struggle between societies living within the framework of a natural economy and the invasion of a monetary economy. "This panic flight before the precious metal coin incited medieval theologians like Saint Bernard to pronounce curses on money and aroused hostility against merchants—who were attacked, in particular, as usurers and exchange agents—and, more generally, against all handlers of money, as well as wage earners."⁵⁰ Scholarly activity for remuneration was also considered an illicit activity. Knowledge, like time, was possessed by God. Since all true knowledge belonged to God, it was a sin to be paid for providing knowledge, that is, to instruct for payment. The church thus justified its monopoly on knowledge.⁵¹

The medieval legal order reflected these views and reinforced the social stratification advocated by church and nobility. After the decline of the Roman Empire, the influx of Germanic tribes had transformed, if not driven out, the written Roman law. In northern France particularly, the invading Goths and Franks had diluted Roman law. In general there had developed two sets of coexisting legal systems: laws that pertained to the non-Romans, such as the *Lex Burgundium* and *Lex Visigothorum*; and laws for the Romans. Law thus had become personalized. Distinct races had their own system of law. By contrast, those areas that were still populated by a large number of Roman people maintained a relatively strong sense of Roman law, as was the case in southern France and Italy. These differences gradually evolved into the difference between *droit coutumier*, the unwritten customary law of the north, and *droit écrit*, the written law of the south.⁵²

The feudal era depersonalized law in the sense of dissociating legal standing from race. Jurisdiction was exercised by specific lord-vassal and lord-peasant relations. However, because of the decentralization of power, this meant a high degree of particularism. The local lords would adjust their legal systems to fit local customs and conditions. Because of this localized system of adjudication and regulation, there could be no comprehensive notion of private property. As said, *seisin*, continued use of a piece of land for a length of time, established legitimate title. If there was any dispute, *seisin* would be ascertained by querying the neighbors of the landholder in question. "For nearly all land and a great many human beings were burdened at this time with a multiplicity of obligations differing in their nature, but all apparently of equal importance. None implied that fixed proprietary exclusiveness which belonged to ownership in Roman law."⁵³

Evidentiary proceedings were unknown. Trial by ordeal and combat were preferred means of discovering the truth. Innocence or guilt, for example, were proven by immersing the accused in water. If the accused sank to the bottom,

he or she was innocent. Another procedure consisted of having the accused carry hot iron over a specified distance. Truth was ascertained by the nature of the wound after a set amount of days.⁵⁴

Finally, the medieval belief system placed a high premium on religious and military frames of mind. Nobility attempted to demarcate itself from supposedly inferior groups. As we saw in Chapter 3, the feudal warrior elite distinguished itself as a caste. Rank was delineated, as it was later in Tokugawa Japan, by the ability to bear arms. The higher one's rank, the more obvious the display of weaponry. The feudal elite clearly recognized the bourgeoisie as its arch-enemy. Despite a lack of clear economic differences, particularly at the lower end of the nobility scale, the inability to bear arms was always considered a mark of inferiority.⁵⁵

Moreover, nobility was seen as a genealogically acquired superiority. The nobles' special status was legitimated by the argument of superiority by birth.⁵⁶ This took bizarre proportions. Respected ecclesiastical scholars constructed genealogies demonstrating that the kings of France were related to the Trojans. The lineage of the Count of Flanders could apparently be traced back to Priamus.⁵⁷ The wealth of merchants did not matter. Their inability to bear arms and their birth marked them inevitably as inferior. "The assumption was that nobility had merit and merit again was innate in blood."⁵⁸ Nobles were not to associate with these inferiors in marriage or even in death—hence the practice of separate burial areas for the nobility.

Consequently the importance of personal ties always weighed heavily. As Bloch points out, violent conflict in the Middle Ages was to a considerable extent the conflict of rival kin groups. Going back to ancient Germanic custom, wrong to one's kin group needed to be addressed according to the rules of the feud. Nobility in a sense constructed a new type of kinship, not based on tribal affiliation but on genealogical superiority and caste differentiation. Knights recognized members of this caste across the boundaries of duchies and counties—hence the practice of acquisition by marriage.

The Serendipitous Effects of Church Renewal

The role of the church during the Late Middle Ages is fraught with paradox. It opposed kinship structures yet reaffirmed the personal ties of feudal bondage. While it lamented the pursuit of monetary gain, the papacy sought to streamline its revenue intake. The attempt of the church and the papacy to create order in an anarchic, fragmented political environment, and their desire to create a hierarchical organization of their own, therefore led to a departure of some of the features of the earlier medieval system of rule and affected the older belief systems. The instruments that the church used to rationalize its proceedings were later appropriated by aspiring territorial rulers and modernizing elements in late medieval society.

First, the church had led the way in diminishing the role of kinship structures. It particularly had propagated the idea of primogeniture, because consol-

idated holdings would increase ecclesiastical revenue through wills.⁵⁹ It thus broke up older tribal and kin relations and made it impossible later to organize market exchange along those lines.⁶⁰

Second, the church had tried to diminish the level of ubiquitous violence by outlawing war on particular days and regulating certain modes of combat. In proclaiming the Peace and Truce of God, the church thus appropriated the role of a public actor.⁶¹ One function of this authority was to maintain the general peace. In so doing the church created the idea that one of the roles of government was to provide for the collective good.

Third, in arguing for a hierarchy of feudal rule rather than a grab bag of cross-cutting and multiple obligations, the church moved against fragmentation of political order. That is, it argued for a feudal pyramid. In Strayer's words, feudal rule in the twelfth century became a real system.⁶² Indeed, the principle of a strict feudal hierarchy, where obligations to some lords, particularly to the king, outranked the others, was largely established in the twelfth century when the actual power of the nobility was already declining vis-à-vis central authority.

Moreover, because of its contest with the empire and its desire to create a rational administrative machinery, the church engaged in the codification of systematic written law. Canonical law was established to deal with affairs pertaining to the church and affairs that fell under its jurisdiction.⁶³ In response, secular rulers turned to systematic and written law to justify their own positions. Roman law, which contained the concepts of sovereignty and exclusive jurisdiction, seemed particularly favorable for the purpose.⁶⁴ As Kantorowicz put it, Christ centered kingship became law centered kingship.⁶⁵

Finally, as we saw in Chapter 3, the contest between church and empire eroded the basis of both sources of authority. It delegitimized both papacy and empire. Popes had to contend with antipopes, the emperor faced rivals supported by lords and pope, and some bishoprics had two bishops. Pope and emperor branded each other as false monks, usurpers, and heretics. In addition to delegitimizing each other, the contest also made secular rulers aware that ecclesiastical support was a dangerous basis for political rule. Ultimately, ecclesiastical lords would have to answer to Rome. In a sense the denial of sacral status to political rule necessitated that secular rulers find alternative justifications.

By pursuing these policies, the church had, somewhat unintentionally, created the space for institutional innovation and reinterpretation of individuals' activities. Political entrepreneurs and social groups would use some of the church's arsenal against it. Moreover, by seeking to establish a hierocratic and sovereign church, the papacy set in motion forces that opposed that very idea.

The Commercial Revolution and Conceptual Transformation

Some of the new ideas and sources for legitimation were soon appropriated by various individuals, political entrepreneurs, and social groups who did not fit the old medieval set of values. The upswing in economic activity had given rise

to practices that were irreconcilable with the medieval social and institutional framework. The growth of trade and corresponding increase in wealth had improved the material position of merchants. But material gain and the pursuit of profit were anathema to the medieval belief system and the values propagated by church and nobility. The affinity of burghers for the older set of ideas and beliefs was therefore slight.⁶⁶ The belief system propagated by the church, and its corresponding social order, were unacceptable to the merchants and townspeople.⁶⁷ If society was indeed ordered homologously to heaven, then there was no salvation for them. The burghers had to justify their activities in some other way.

The bourgeois, furthermore, perceived time and space differently. Time was no longer the ephemeral time of the afterlife. Nor was the time of the year and day marked by the activity of the church. Business activity required formalized calculation of time. Time and space had been undifferentiated concepts, beyond the control of humans. Those with knowledge of ultimate ends, the clergy, claimed to have the ability to interpret the world, but they did not claim to make it. Proponents of the new beliefs did exactly that. They appropriated time and space by making them products of mortal calculation.

For example, if money was lent, interest rates had to be calculated with mathematical precision. After all, the lending of money entailed an opportunity cost. The church, however, dissuaded usury because it was considered to be the sale of God's possession. That is, usury was seen as a charge on time, not as the cost of money. Since only God possessed time, the charging of usury was an irreligious act. If one is indifferent to time, if one does not have a sense of chronological progression of time, the value of a good (money) should not increase. Contrary to the medieval belief that time was winding down (*mundus senescit*, "the world grows old," was the medieval adage), the bourgeois acquired a sense that time itself had value.

Business activity thus required timekeeping. Mechanical clocks rather than church bells became the markers of time. The twenty-four-hour day came into being. Throughout western Europe towns constructed clock towers which were strategically placed opposite belfries of the churches. The bell tower of Bruges was thus placed on the market, larger and taller than the church just down the road; it symbolized the new powers in this mercantile town. Likewise, business activity required exact delineation of space. Businesspeople sought certitude in their business environment. In an unstructured world of crosscutting jurisdictions and boundaries, businesspeople were constantly faced with new and unpredictable obstacles. Fixed boundaries and uniform jurisdiction were therefore preferable to the crosscutting environment of medieval feudalism. Space had to be ordered.⁶⁸

In other words, the demarcation and conceptualization of time and space are essentially contested concepts. "Against the merchant's time, the church set up its own time."⁶⁹ The traditional medieval conceptualization of spatial and chronological order did not correspond to the new beliefs of society.⁷⁰ The burghers had very different views about time and space. Time and space did not exist in

forms homologous to heaven; they did not exist transcendentally but were constructed and designed by mortals. Such new images made the later articulation of authority in and over geographical space possible.

Furthermore, business activity could not be organized according to the theory of the three orders or the knightly system of personal bonds. The businessperson depersonalizes ties. Contracts between entrepreneurs are not the same as the contract of lord and liege. The latter is personal.⁷¹ Business contracts are upheld merely for the exchange of commodities, not because they signify some deeper bond. If service is required, it is depersonalized, circumscribed for a particular time and amount. One is buyer or seller, role players in the circulation of goods.

Marvin Becker argues that there was a critically important shift from literal bonds to abstract ties. This shift made abstract economic exchange and credit possible. The early medieval era was based on narrow allegiances and kinship ties. Given the nature of the insecure material environment, exchanges had to be face-to-face and transacted immediately. "The notion that writing in itself could be a cause of obligation was tenuous at best. This, then, was a world of narrow tribal loyalties, demanding kinship ties and exacting primary allegiances. The individual was encadred in a literal world where the materiality of bonds was immediate and certain."⁷²

Such personal ties and lack of confidence in the material environment made economic exchange difficult to conduct. Consequently, gift giving was highly important. Such exchanges were ceremonial and tribal in character, conferring mutual entitlements and obligations. But these should not be regarded as trade.⁷³ Becker, surveying the area of Lucca and Florence, notes that before 1000, 80 to 85 percent of transactions, primarily land deals, were in the form of gift exchange and donations. By 1150, however, monetary sales had become far more important, accounting for about 75 percent of all transactions.⁷⁴

The necessity to have circumscribed areas of clear jurisdiction, and the desire to substantiate private property combined with the necessity of more formalized interaction which could exist independent of the specific actors, renewed interest in Roman law. "There was the attraction—especially felt by merchants—of more convenient and more rational procedures."⁷⁵ Reliance on seisin and custom were insufficient guarantees of property. Contracts could not depend on oaths of the initiating actors. Sometimes these contracts might have to carry through beyond the death of the original contractors. "They needed access to rapid legal processes to enforce contracts without excessive delays and to machinery which would assist them to recover debts from those with whom they had dealings."⁷⁶ The written law, Roman law, mitigated some of these problems. It had well-developed theories of private property. The adoption of Roman law had other benefits as well. It had well-developed means of trial. Because of the nobles' claim to trial by combat, burghers could not very well take men who were skilled in armed combat to court.⁷⁷ Overall burghers desired more evidentiary court proceedings. An attempt was made to adduce the truth by witnesses and written documents rather than rely on the under-

standing that individuals had of the prevalent customs. Jurisprudence once again had to become the domain for professionals.⁷⁸ In short, the outlook of the burghers differed dramatically from that of the nobility and clergy.⁷⁹ Mystical and cosmological views increasingly started to give way to instrumentally rational beliefs on how to structure time, space, property rights, and juridical procedures. Inevitably that meant a shift in preferences for a new political order.

CONCLUSION

About the middle of the eleventh century a dramatic expansion of the European economy occurred. This expansion went hand-in-hand with an increase in long-distance trade. The growth in trade made further division of labor possible. Towns increased in size and number. These settlements had widely different material interests from the old feudal and ecclesiastical order. Consequently the burghers were motivated to change existing institutions. To accomplish this, they either formed political alliances with other actors, such as an aspiring territorial ruler, or they pursued the largest amount of independence possible. Whether these towns pursued autonomy on their own, formed leagues, or allied with some centralizing authority depended first of all on the size and strength of the individual towns. Few towns, save the Italian, were strong enough to go it alone. The second factor influencing the urban set of preferences was the nature of trade. The relatively low-volume, high-profit trade of the Mediterranean, the trade in luxury goods, suggested that individual towns might try to capture a monopoly position on their own. By contrast, the low-profit, high-volume trade of the north made that policy impossible. No one actor could individually monopolize the bulk trade of the Baltic and the North Sea. Moreover, the low profit margins made actors sensitive to competition and high transaction costs. Towns not only had divergent material interests, but they had different perceptions than church and nobility regarding legal procedure, licitness of trade, and the nature of profit making. Consequently the burghers would seek to ally with actors who had an affinity with their interests and beliefs. The next three chapters explore how the towns fared in pursuit of these goals.

CHAPTER 5

The Rise of the Sovereign, Territorial State in Capetian France

A second precondition for coming to think of the State as the main subject-matter of political philosophy is that the independence of each regnum or civitas from any external and superior power should be vindicated and assured. . . . A further precondition for arriving at the modern concept of the State is that the supreme authority within each independent regnum should be recognized as having no rivals within his own territories as a law-making power and an object of allegiance.¹

THE ECONOMIC transformation between 1000 and 1300 was paralleled by political innovation. The sovereign, territorial state was one of the new logics of organization which emerged against the background of the late medieval renaissance. Contrary to the crosscutting and nonhierarchical personal ties of feudalism, the Capetian Dynasty (987–1328) claimed final authority over all inhabitants of the realm. And unlike empire and church, it did not infuse its political rule with claims over a translocal community as did the Christian Commonwealth. Instead it defined its authority territorially. Within fixed boundaries the Capetians claimed to have final power, but they made no claims to rule beyond those borders.

The success of the Capetians was hardly foreseeable when they first assumed the throne. Gaining the kingship by consent of the barons after a long period of civil war, they were—at best—only first among equals. The puzzle before us then is to explain how these weak kings managed to assert their control over the heavily fragmented area that was to become France. In addition, they also managed to impose the principle of territorial exclusivity upon universal actors, particularly against the wishes of the pope. Within the borders of the kingdom, even members of the clergy had to recognize that ultimate jurisdiction lay in Paris, not Rome.

Contrary to the common explanation that states emerged as the result of changes in warfare, I argue that the sovereign state emerged as the result of a social coalition based on the affinity of interests and perspectives between incipient monarchy and burghers. Changes in the nature of warfare might explain the growth of government, particularly following the fifteenth century, but they do not explain why some governments were structured on the principles of sovereignty and territoriality, whereas other governments were not.