CHAPTER 6

Bohemian Society in a Central European Context

The Genesis and Nature of the Ruler's Power

Our understanding of ducal authority in the 10th–12th centuries is significantly influenced by the fragmentary sources, which are limited, especially for the earlier periods of Bohemian history, to describing various manifestations of ducal power. These instances appear in diplomas or in charters addressing foundations, donations, confirmations or exemptions and immunities, as well as in the broad terms of narrative sources. With full awareness of this influence, it is impossible to see anything but the outstanding weight of the ruler's authority in the Czech lands in the 11th and 12th centuries.1

The most frequently quoted and literarily apt characterization of the duke's rights and power is provided by Cosmas in the form of Libuše's warning against the installation of Duke Přemysl, in which Cosmas attempted to express the substance and origin of the social relationships of his time.2 Speaking through Duchess Libuše, he expressed the theory of the patrimonial state, the mingling of both public and private rights and claims into an inseparable whole: the ruler, as the owner of the soil and of the whole land3 claimed levies from the inhabitants, ruling in the administrative, military and judicial spheres.

1 We can find similar conditions as regards the ruler's authority in the Polish, Russian and Hungarian sources—Kossmann, Polen im Mittelalter. Beiträge zur Sozial und Verfassungsgeschichte, part 2, 140. Kučera, "Anmerkungen zur Dienstorganisation in frühmittelalterlichen Ungarn", 121. The situation stands out in comparison with the Holy Roman Empire, which is described, because of the predominant role of the nobility, as "Aristokratie mit monarchischer Spitze"—Karl Bosl, Herrscher und Beherrschte im deutschen Reich des 10.-12. Jahrhunderts, in Karl Bosl, Frühformen der Gesellschaft im mittelalterlichen Europa, (Munich-Vienna: 1964), 136.

2 On the issue of the update of a Biblical passage by the chronicler, cf. Graus, Dějiny venkovského lidu v Čechách v době předhusitské, part 1, 283–5. Łowmiański, “Przemiany feudalne wsi polskiej do 1138 r.”, 439. Kossmann, Polen im Mittelalter. Beiträge zur Sozial- und Verfassungsgeschichte, part 2, 294–96. Cosmas' characterization is not an attack on the ruler's power (Fiala, O vyjasnění pojmů v marxistickém výkladu starších českých dějin, 236), but an apology for it—Třeštík, “K sociální struktuře přemyslovských Čech, Kosmas o knížecím vlastnictvím půdy a lidi”, 538–39. Cosmas does not merely try to describe the subjectation of the people to the ruler; he looks for its origin in effort to explain the function of the ruler’s power.

3 The relationship between the ruler and the state was in both cases (Přemyslid and Piast) the relationship of an owner to his property—Slavík, Vzrok českého národa, Úvod do českých dějin, part 1, 165. Łowmiański, “Organizacja gospodarcza państwa piastowskiego”, 181.
As the owner and ruler of the land, the duke was entitled not only to the soil and its yields, but also to the population, of whom he disposed as needed. According to medieval understanding, ownership (proprietas) included extensive right of disposal (Verfügungsgewalt) on the part of the owner (dominium), which formed the basis for the servitus relationship into which the people introduced themselves by subjecting themselves to the duke. The term dominium also covers the ruler’s supreme right including the judiciary, the army’s command, the rule over the entire free population and the whole state as well as representation of the state both outside the land and within it.

The seemingly one-sided image is confirmed, in its main features, by the diplomatic material, by the content and diction of the texts. The duke carried out full and unlimited “libera potestas disponendi” (theoretical and practical power) over his serfs as their owner. The relationship towards the ducal farmers and other “freemen” was reflected above all in their obligations towards the duke, whereas his access to their property and persons was in practice subject to certain limitations stemming from the current power situation and depending on many other factors.

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6 Subjection (servitus) of the inhabitants of the land is based on the fact that the subjects are the duke’s property—Třeštík, “K sociální struktuře přemyslovských Čech, Kosmas o knižecím vlastnictví půdy a lidí”, 542–3.

7 As well as the appointment and dismissal of officials, summoning of the assemblies, the issuance of privileges, the imposition of taxes, etc.—Buczek, “Regalia”, 479.

8 It was only during the Investiture Controversy that the abstract notion of justice as superior to everyone including the rulers asserted itself. The idea that rulers must respect the given order and are therefore not sovereign in the true meaning of the word (only God is), but controlled by the church, as the ruler is also answerable to God, did not yet exist—Bosl, “Herrscher und Beherrschte im deutschen Reich des 10.–12. Jahrhunderts”, 139. In the Czech lands, the ducal power was checked by the magnate circles rather than by the representatives of the Church; however, they also based their attitude on the notion of the proper order and just organization, which were given and constantly searched for at the same time.

9 The need to develop, change the established modes of conduct, the motivation and will to carry out a change or, on the contrary, the will to resist it; see examples in “Cosmae pragensis Chronica Boemorum”, 1, ch. 19: 38–39; ch. 5: 15; 11, ch. 8: 94, ch. 44: 150.