

immigrants and, in eastern Europe, Ireland, and Scotland, ethnically different from the surrounding rural population. In eastern Europe, German was the language of the towns; in Irish towns, French, the tongue of Norman or English settlers, predominated. As a result of this colonization and movement to towns, peoples of different ethnic backgrounds lived side by side.

In the early periods of conquest and colonization, and in all regions with extensive migrations, a legal dualism existed: native peoples remained subject to their traditional laws; newcomers brought and were subject to the laws of the countries from which they came. On the Prussian and Polish frontier, for example, the law was that "men who come there . . . should be judged on account of any crime or contract engaged in there according to Polish custom if they are Poles and according to German custom if they are Germans."¹¹ Likewise, the conquered Muslim subjects of Christian kings in Spain had the right to be judged under Muslim law by Muslim judges.

The great exception to this broad pattern of legal pluralism was Ireland. From the start, the English practiced an extreme form of discrimination toward the native Irish. The English distinguished between the free and the unfree, and the entire Irish population, simply by the fact of Irish birth, was unfree. When English legal structures were established beginning in 1210, the Irish were denied access to the common-law courts. In civil (property) disputes, an English defendant did not need to respond to an Irish plaintiff; no Irish person could make a will. In criminal procedures, the murder of an Irishman was not considered a felony. Other than in Ireland, although native peoples commonly held humbler positions, both immigrant and native townspeople prospered during the expanding economy of the thirteenth century. But with the economic turmoil of the fourteenth century, ethnic tensions multiplied.

The later Middle Ages witnessed a movement away from legal pluralism or dualism and toward legal homogeneity and an emphasis on blood descent. The dominant ethnic group in an area tried to bar others from positions of church leadership and guild membership. Marriage laws were instituted that attempted to maintain ethnic purity by prohibiting intermarriages, and some church leaders actively promoted ethnic discrimination. As Germans moved eastward, for example, German bishops refused to appoint non-Germans to any church office, while Czech bishops closed monasteries to Germans.

The most extensive attempt to prevent intermarriage and protect ethnic purity is embodied in the **Statute of Kilkenny** (1366), a law that discriminated against the Irish, forbidding marriage between the English and the Irish, requiring the use of the English language, and denying the Irish access to ecclesiastical offices.

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Fur-Collar Crime

The Hundred Years' War had provided employment and opportunity for thousands of idle and fortune-seeking knights. But during periods of truce and after the war finally ended, many nobles once again had little to do. Inflation hurt them. Although many were living on fixed incomes, their chivalric code demanded lavish generosity and an aristocratic lifestyle. Many nobles thus turned to crime as a way of raising money. The fourteenth and fifteenth centuries witnessed a great deal of what we might term "fur-collar crime," a medieval version of today's white-collar crime in which those higher up the social scale prey on those who are less well-off.

This "fur-collar crime" involved both violence and fraud. Groups of noble bandits roamed the English countryside, stealing from both rich and poor. Operating like modern urban racketeers, knightly gangs demanded that peasants pay protection money or else have their hovels burned and their fields destroyed. They seized wealthy travelers and held them for ransom. Corrupt landowners, including some churchmen, pushed peasants to pay higher taxes and extra fees. When accused of wrongdoing, fur-collar criminals intimidated witnesses, threatened jurors, and used their influence to persuade judges to support them—or used cash to bribe them outright.

Ethnic Tensions and Restrictions

Aristocratic violence led to revolt, and it also shaped popular culture. The ballads of Robin Hood, a collection of folk legends from late medieval England, describe the adventures of the outlaw hero and his merry men as they avenge the common people against fur-collar criminals—grasping landlords, wicked sheriffs, and mercenary churchmen. Robin Hood was a popular figure because he symbolized the deep resentment of aristocratic corruption and abuse; he represented the struggle against tyranny and oppression.

Large numbers of people in the twelfth and thirteenth centuries migrated from one part of Europe to another in search of land, food, and work: the English into Scotland and Ireland; Germans, French, and Flemings into Poland, Bohemia, and Hungary; Christians into Muslim Spain. Everywhere in Europe, towns recruited people from the countryside as well (see Chapter 10). In frontier regions, townspeople were usually long-distance