

Feigned Reciprocities Lords, Peasants, and the Afterlife of Late Medieval Social Strategies

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So what did they get in return?
They must have got *something!*
— A student in my class

Here is a passage from a public declaration of the local law of Becheln, a small village lying south of Bad Ems, between the Rhine and the Lahn rivers in western Germany. In the sixteenth century, the village numbered between 30 and 40 households, most of whose members seem to have been serfs.¹ During the village assembly held on November 14, 1482, the peasant jurors (*Schöffen*) — sworn representatives of the local community — were quoted as having said:

“Whenever my lord Friedrich Greiffenclau comes riding into the village of Becheln with an entourage of six or ten men, more or less, he should dwell at his court; whatever he eats together with his friends or with his horses — the village community should pay and do its best for him, and if it happens that the village of Becheln is involved in some feud or hostilities, the above-mentioned lord Friedrich Greiffenclau should hang his shield in the village, in front of his court, and there defend the village and help to prevent any damage to it.”²

¹ HANS-JÜRGEN SARHOLZ, *Becheln: Die Geschichte des Dorfes*, Bad Ems 1998, pp. 44–45, 58, 60. Archival material concerning the village is surveyed in HELLMUT GENSICKE, *Die Kirchspiele Schweighausen, Becheln und Dienenthal*, in: *Nassauische Annalen* 65 (1954), pp. 220–228. An excellent survey of economic conditions, which unfortunately touches only tangentially upon the surroundings of the village itself, is provided by OTTO VOLK, *Wirtschaft und Gesellschaft am Mittelrhein vom 12. bis zum 16. Jahrhundert*, Wiesbaden 1998.

² Hessisches Hauptstaatsarchiv (HStA) Wiesbaden, Abt. 350/2 (copy presented by Greiffenclau in 1545); the original text is given below, note 13. The following account of the events in Becheln and all quotations are based on this text unless otherwise stated. Further copies: 350/V, 11 (a copy of the original notarial instrument, made in 1722);

According to the jurors' declaration, the lord Greiffenclau was entitled to receive provisions from the villagers; in return, he was under obligation to protect them from external attack. The text evokes a credible image of peasant hospitality and seigniorial defence, which seems like a perfect example of the role played by reciprocity in lord-peasant relationship in the later Middle Ages. Sources which stipulate lords' obligations toward their peasants and set such obligations in relation to certain seigniorial claims for peasant services are quite common. They are often cited as clear and unambiguous evidence for the fundamental role played by reciprocity in medieval and early modern rural seigniories. They seem to confirm the prevalent view that mutual obligations and ties of reciprocity provided the normative basis for late medieval lordship over peasants.³

This view can be criticized on several grounds. One could ask, for instance, which structural conditions produced peasants' need for seigniorial protection — and what 'protection' actually meant for villagers.⁴ In the present context, however, I wish to focus on the small conjunctive 'and' in our text, which links different services and practices to each other as elements of a *quid pro quo* relationship — lords' claim for food and provisions with villagers' right to defence.⁵ The whole construction rests upon this link. Without it, we would not be able to identify here relations of exchange or reciprocity, but only to enumerate unrelated claims and practices. Such links are presupposed when giving objects and rendering services are interpreted as constitutive elements of gift exchange. Reciprocity — balanced or

350/V 2. A less reliable version of the text is included in JACOB GRIMM, ERNST DRONKE, HEINRICH BEYER and RICHARD SCHROEDER, eds., *Weisthümer*, vol. 1, Göttingen 1840, rpt. Darmstadt 1957, pp. 595–602, with some corrections, vol. 5, p. 720.

³ For some prominent examples of this prevalent view in sociology, economy and history, see BARRINGTON MOORE, JR., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World*, Boston 1966, pp. 453–483; DOUGLAS C. NORTH and ROBERT P. THOMAS, *The Rise of the Western World: A New Economic History*, Cambridge 1973, p. 19; OTTO BRUNNER, *Land und Herrschaft: Grundfragen der territorialen Verfassungsgeschichte Südostdeutschlands im Mittelalter*, Darmstadt ⁵1984, pp. 254–268; IDEM, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. by HOWARD KAMINSKY and JAMES VAN HORN MELTON, Philadelphia 1992, pp. 211–225.

⁴ GADI ALGAZI, *Herrengewalt und Gewalt der Herren: Herrschaft, Gegenseitigkeit und Sprachgebrauch*, Frankfurt am Main 1996.

⁵ It is typical for local declarations of law by peasant speakers (*Weistümer*) to use simple conjunctives in order to express complex relationships. That the conjunction serves here to express a *quid pro quo* relation cannot be doubted in this case, as the following analysis of the document will make evident. Other similar texts use expressions such as “we, the peasants do A *so that* you, our lord, would do B” or “peasants do A and *therefore* their lord should do (or refrain from doing) B.”

not, acknowledged or denied — is central to any discussion of gifts. Gifts, however, do not constitute in themselves a coherent and well-defined object of study, because they owe their most salient properties to their relative position within given repertoires of transaction modes. It is by being modelled on other available templates or in contrast to other models within specific cultural repertoires, and not by virtue of inherent uniform properties, that they acquire their particular shape and potential effects.⁶ Such repertoires can perhaps serve as meaningful units of comparison across different societies and historical periods, whereas particular transaction models which happen to figure as ‘gifts’ cannot. I hence chose to abstract a central dimension of social life — reciprocity — from the particular institutions in which it is assumed to be embedded, in order to learn more about the making of ties that bind. This task involves more than exposing the rhetoric of the actors involved. ‘Laying bare the device’ by demonstrating that social representations are constructed and contested is not enough; we also need to account for their consolidation and acceptance. That is, without presupposing some pre-established social harmony, we need to explain how constructed reciprocities can turn from artefacts into unremarkable social facts.

Marcel Mauss’ famous question concerned that mysterious power by which one object seems to be able to attract another, one act eliciting its reciprocation.⁷ In discussions of the gift, ample attention has been given to the exact nature of the presumed obligation to reciprocate and to the uncertainties accompanying the stretch of time separating the act of giving from the expected return.⁸ But how do objects and actions get tied to each other in the first place? I am not concerned here with the circumstances under which participants’ expectations are likely to be fulfilled. The question I wish to explore is rather how distinct objects and services, which are not

⁶ The argument is developed more fully in my introduction to the volume. A similar point is implied, I think, in JONATHAN PARRY’s illuminating discussion of Indian gifts (*The Gift, the Indian Gift and the ‘Indian Gift’*, in: *Man* 21 [n.s.] [1986], pp. 453–473, esp. pp. 458, 466–467), and by ALFRED GELL’s analysis of the modelling of transactions in Melanesia (*Inter-Tribal Commodity Barter and Reproductive Gift-Exchange in Old Melanesia*, in: *Barter, Exchange and Value: An Anthropological Approach*, ed. CAROLINE HUMPHREY and STEPHEN HUGH-JONES, Cambridge 1992, pp. 142–168).

⁷ MARCEL MAUSS, *The Gift: The Form and Reason for Exchange in Archaic Societies*, trans. W. D. HALLS, introduction by MARY DOUGLAS (New York: Norton, 1990), p. 3; *Essai sur le don: forme et raison de l’échange dans les sociétés archaïques*, in: *Sociologie et anthropologie*, Paris ⁹1985, pp. 145–279, at p. 148.

⁸ PIERRE BOURDIEU, *Outline of a Theory of Practice*, trans. by RICHARD NICE, Cambridge 1977, pp. 4–7, 171–174; *IDEM, The Logic of Practice*, trans. by RICHARD NICE, Cambridge 1990, pp. 98–121.

embedded in a common context of production, come to be perceived as elements of a *quid pro quo* relationship. Material objects and practices do not come into the world with tiny badges attached to them, pointing out to which objects they ought to be linked. Can we trace the making of those threads, which in our historical record — made up mostly of *post factum* accounts of social action — usually figure as complete, firm ties? In the following case study, I try to do this by taking a close look at written accounts of village assemblies, focussing on the details of particular interactions in order to observe the microscopic inflections in villagers' utterances and use them to reconstruct the logic of their actions. In this case, the scribal records seem to warrant such analysis. It is my assumption that peasant texts merit such attention.

1. 1482: Voices from the Archive

A notarial record depicting public interactions between agents of Johann Greiffenclau and the villagers of Becheln offers a rare opportunity to trace such a process of shaping reciprocal links in some detail. The encounters took place in the framework of the annual *Weisung* ceremony, current in German-speaking rural communities in the west in late medieval and early modern times. In the *Weisung*, peasant jurors regularly proclaimed the law of their communities as handed down to them by their predecessors. The reconstruction of local law took the form of a public dialogue between the lord or his agent and the local jurors during the community assembly. The lord or his representative would pose the questions; peasant jurors would give authoritative, binding answers.⁹ Unlike most written texts that pertain to such peasant declarations of the law (*Weistümer*), the record of the events in Becheln provides some precious clues about the process of its making.

⁹ On the practice of *Weisung* and the documents produced in this context, often called *Weistümer*, see PETER BLICKLE ed., *Deutsche ländliche Rechtsquellen: Probleme und Wege der Weistumsforschung*, Stuttgart 1978; CHARLES-EDMOND PERRIN, *Chartes de franchise et Rapports de droits en Lorraine*, in: *Le Moyen Age* (4. ser.) 52 (1946), pp. 11–42; MICHAEL TOCH, *Asking the Way and Telling the Law: Speech in Medieval Germany*, in: *Journal of Interdisciplinary History* 16 (1986), pp. 667–682; RUDOLF HINSBERGER, *Die Weistümer des Klosters St. Matthias in Trier: Studien zur Entwicklung des ländlichen Rechts im früh-modernen Territorialstaat*, Stuttgart–New York 1989; GADI ALGAZI, *Lords Ask, Peasants Answer: Making Traditions in Late Medieval German Village Assemblies*, in: *Between History and Histories: The Making of Silences and Commemorations*, ed. GERALD SIDER and GAVIN SMITH (*Anthropological Horizons*, 11), Toronto 1997, pp. 199–229.

In fact, when the villagers of Becheln assembled in 1482 in the house of one of the jurors to listen to them reciting the local law, the declaration did not include any reference to villagers' obligation to provide for the lord's needs when stays at his local court. Nor did the jurors mention any obligation on his behalf to defend the village. The jurors finished their long and detailed declaration and were asked by Antonius Zorn, Johann Greiffenclau's clerk who acted on his behalf in the *Weisung*, to commit it solemnly to memory — probably through the traditional distribution of bread, wine or money. The jurors complied, and Antonius Zorn asked the notary who attended the ceremony to produce a formal record of the event.

Then, while the jurors were still seated on their bench to pronounce judgment in particular cases, Zorn intervened again unexpectedly. He held up to them a purported entry from some old seigniorial records, bearing the title “about providing the lord with provisions (*Atzung*) together with his friends whenever he comes to Becheln,” and cited the text I have quoted above.¹⁰ This right, he said, was part of an older declaration of the local law by the jurors of Becheln, which otherwise accorded in every respect with their present reconstruction of the law. Zorn thus challenged the jurors by stressing that he was citing word for word an authoritative statement of the local law made by their ancestors and preserved in his records. His claim was based on the authority of local oral tradition, enhanced by that of the written record — and the noticeable presence at the scene of Anselm von Lautert, a steward of an adjacent lordship who remained silent all through the proceedings. Assuming the voice of the peasants' dead ancestors, the diligent clerk tried to turn villagers' past assent against the word of the living. He was clearly interested in eliciting recognition of Greiffenclau's claim to hospitality in the village, as the title of the article he adduces makes plain. Yet he coupled this seigniorial claim with

¹⁰ On lords' right of accommodation, board and lodging (*Herberge*, hence harbour, *auberge*) in their villages, see RUTH SCHMIDT-WIEGAND, *herberge* und *leger*: Weistümer als Quelle historischer Wortgeographie, in: *Wortes Anst Verbi Gratia: Donum natalicium GILBERT A. R. DE SMET*, ed. H. L. COX et al., Louvain 1986, pp. 419–428; HANS CONRAD PEYER, *Von der Gastfreundschaft zum Gasthaus: Studien zur Gastlichkeit im Mittelalter* (Monumenta Germaniae Historica Schriften 31), Hanover 1987, esp. pp. 168–185. In the register quoted by the lord's clerk, Greiffenclau is said to be entitled to *Atzung* — a term which generally meant food and feed (particularly for horses and birds of prey). In the manorial vocabulary, it referred more specifically to lords' claim to provisions and board from their subordinates. Note, however, that the term also denoted lords' right to engage in violent conflicts, to wage war and extract provisions (PEYER, *Gastfreundschaft*, p. 179; GEORG FRIEDRICH BENECKE, WILHELM MÜLLER, FRIEDRICH ZARNCKE, *Mittelhochdeutsches Wörterbuch*, Leipzig, 1854–1866, s.v. 'atzunge'; MATTHIAS LEXER, *Mittelhochdeutsches Handwörterbuch*, Leipzig 1872–1878, s.v. 'atzung'; IDEM, *Nachträge*, Leipzig 1878, s.v. 'atzunge').

peasants' presumed counterclaim for defence by their lord, and asked the peasants to affirm that this bundle of rights was part of their recognized and binding tradition, part of what they were required to remember as sworn jurors.

Nowhere is it stated that the seigniorial official Zorn actually showed to the peasants the old registers that he said he was quoting. Thus, it is at least possible that he conjured the written evidence himself, to be used during the assembly. But why then did he wait for them to finish their *Weisung* and even ask the notary to produce a formal record — before intervening again to remind them of the part that he claimed they had left out? He might have been browsing through his documents in haste while the assembly went on, trying to compare the jurors' somewhat disordered statement with his own records. But it is equally conceivable that Zorn waited on purpose until the jurors had finished their formal declaration, watching for the right moment to catch them by surprise.¹¹ According to this interpretation, he openly asked the notary to document the event to signal to the jurors that this was not a routine oral exchange but a momentous interaction, in which every word they were saying was being recorded and might have far-reaching consequences. As it turned out, the declaration of 1482 was indeed copied and invoked several times in the following centuries. It was still being cited as valid evidence of local law in the eighteenth century.¹²

The jurors retired to one side of the house. They considered the issue for a while among themselves and finally replied that they had never declared such a thing to be their law, but would leave the issue as it was, unresolved.¹³ Antonius

¹¹ On the tradition of the tactical use of written records by seigniorial officials in encounters with their peasants, see LUDOLF KUCHENBUCH, *Die Achtung vor dem alten Buch und die Furcht vor dem neuen: Cesarius von Milendonk erstellt 1222 eine Abschrift des Prümer Urbars von 893*, in: *Historische Anthropologie* 3 (1995), pp. 175–202.

¹² In 1722, in the course of a prolonged conflict with their lords, the villagers openly challenged the notary sent by the lord to prove his claims. In response, the notary presented the record of the *Weisung* of 1482, whose authority they had to acknowledge (SARHOLZ, *Becheln* [as in note 1], pp. 40–41; JOST KLOFT, *Verzeichnis der Papierurkunden und Akten im Archiv der Freiherren vom und zum Stein zu Nassau, Koblenz* 1985, p. 560).

¹³ *Darnach als die obgemelten scheffen noch vff jren Bencken sassen zu gericht, hadt der obgenant Anthonius denselben scheffen furgelalten einen articul jn eim alden Register mit den anderen vorgehenten articuli begriffen, von atzunge sein junckern zugeben, mit seinen frunden, wanne oder auff welche zeit sein juncker [obg.] zu Becheln queme, den jr furfaren auch volmechtig vor ein Recht geweist hetten, der von wort zu wort also lautet. [“]Welche zeit oder wanne mein herre, herre Fridrichen Greiffencla, G[nädiger Herr], queme reiden jn das dorff Becheln selb sechst oder selb zehend, mer oder mynder vngeuerliches, solt er sich jn seinen hoff lassen vnnd was er mit seinen freunden verzeret vnd mit seinen pferden, das solt die gemeyne des dorffs bezalen, vnnd solt jme das best thun, vnnd wer es sach, daß das dorff Becheln vrede hette oder veintschafft, so solt der dikgemelten herre Friderichen Greiffenclae seinen schilt hencken jn das dorff vor seinen hoff vnd soll da*

Zorn was not prepared to accept this rebuff couched in conciliatory terms.¹⁴ He now demanded that they fully recognize the article about provisions just like all the others contained in his register. By insisting that their statement should conform to the past *Weisung*, he implied that the jurors' behaviour constituted a breach of their oath to tell the law faithfully.¹⁵ The jurors asked for two weeks to think it over, which were granted to them.

In Becheln, Zorn was facing a compact collegial body of community jurors, composed of prominent members of the village elite.¹⁶ Their spokesman, Claus Demutten, who rejected Greiffenclau's claim for quarters in the village, was

das dorff beschirmen vnnd helffen behalten vur schaden.[?] Vnnd hant sich die scheffen vnder ein[ander] besprochen vnnd ein berat genomen, vnd darnach geantwurt: die haben solche nit geweist vur ein recht, doch liessen sie das dabej. HStA Wiesbaden, 350/2, fol. 5^v–6^r.

¹⁴ I am tempted to add that, at least in this case, *nomen est omen*: 'Zorn' means 'anger', while the name of the lords of Greiffenclau — for whom he claimed of all things the right of *Atzung* (feed, especially for birds of prey) — refers to the griffon's claws, whose supposed remnants were kept in the cabinets of some fifteenth-century lords as precious relics (FRANZ BODMANN, *Rheingauische Alterthümer oder Landes- und Regiments-Verfassung des westlichen oder Niederrheingaus im mittlern Zeitalter*, 1. Abteilung: Die Landes-Verfassung, Mainz 1819, pp. 317, 319; JULIUS SCHLOSSER, *Die Kunst- und Wunderkammern der Spätrenaissance: Ein Beitrag zur Geschichte des Sammelwesens*, Leipzig 1908, p. 13, fig. 26). On the ambivalent figure of the griffin in late medieval representations, its thirst for gold and its menacing claws, see KURT RATHE, *Der Richter auf dem Fabeltier*, in: *Festschrift für Julius Schlosser zum 60. Geburtstage*, ed. by ARPAD WEIXLGÄRTNER and LEO PLANISCIG, Zurich–Leipzig–Vienna 1927, pp. 187–208, esp. pp. 193–200.

¹⁵ During the opening of the *Weisung*, the jurors were traditionally "reminded" (*ermahnt*) of their oath of loyalty to their lord as his subjects and of their special oath to the jurors' bench. On the sanctions for giving 'false' declarations, see KARL-HEINZ SPIEB, *Einleitung*, in: *Ländliche Rechtsquellen aus dem kurtrierischen Amt Cochem*, ed. by CHRISTEL KRÄMER and KARL-HEINZ SPIEB (*Geschichtliche Landeskunde*, 23), Stuttgart 1986, pp. 1*–56*, at p. *29.

¹⁶ Two junior jurors (Hans and Chrismann) were sons-in-law of the two senior members of the court, who were mentioned first in the list of the seven jurors — Claus Demutten and Hans Claman. Demutten's position is discussed further below. Hans Claman bought in 1473 from the Teutonic Knights their property in Becheln for the considerable sum of 50 florins (FRITZ MICHEL, *Geschichte der Stadt Oberlahnstein*, 2nd ed. by HERMANN BECKBY, in: *Geschichte der Stadt Lahnstein*, ed. FRANZ-JOSEF HEYEN, Lahnstein 1982, p. 262). The social position of another juror, Heinrich Gut, is indicated by the fact that the assembly was held in his house. In 1487, he sold a rent to citizens of Oberlahnstein (MICHEL, *ibid.*, p. 310) and a field he held in Becheln lay among those owned by lesser nobles (Hausarchiv Schloß Vollrads, Kasten Greiffenclau 11 [6.12.1482]; cited according to JÖRG W. BUSCH, ed., *Vollradser Regesten des 15. Jahrhunderts*). I would like to thank Jörg Busch for sharing with me parts of this unpublished work. In 1541, a man called Anselm Gut is listed first among the Becheln jurors (Archiv Graf von Kanitz, no. 1781).

probably the senior juror.¹⁷ In the later decades of the fifteenth century, he headed one of the most prosperous and powerful families in the village.¹⁸ His son-in-law shared with him the jurors' bench, while his son Konrad, mentioned among the honourable witnesses to the proceedings, served as the local representative (*Schult-heiß*) of the Count of Nassau's. The family — whose members seem to have been serfs of the Counts of Nassau — was hence closely associated with the counts, who sought to increase their influence in Becheln.

The lords Greiffenclau von Vollrads, a lineage of the lesser nobility in the service of the Archbishop of Mainz, were manorial lords of Becheln since at least the thirteenth century. In 1388, they mortgaged their rights in the village and redeemed them again in 1401.¹⁹ Friedrich Greiffenclau, who was mentioned in the old register quoted by Antonius Zorn in 1482, was probably Johann Greiffenclau's father (1401-1459).²⁰ In 1456, having returned from a pilgrimage to the Holy Land, Friedrich Greiffenclau wrote to his sons, Johann and Friedrich, that he was about to retire from active life and join a Franciscan monastery.²¹ When the two brothers divided his inheritance between themselves the following year, Becheln fell to Johann Greiffenclau,²² but it seems that it did not come into his actual possession

¹⁷ His seniority can be inferred both from his being mentioned first in the jurors' list, which concludes with the two junior jurors, and the fact that, 22 years later, he was no longer among the living, whereas three fellow jurors and two of his sons were listed as heading independent households (tax list of 1504, HStA Wiesbaden, 351/1728).

¹⁸ In 1504, the same tax list mentioned three independent households in the village headed by members of his family — his widow, Lisa, and their sons, Konrad and Friedrich. Another indication of the family's position may be found in the fact that Claus Demutten's two other sons married outside the village: Anselm Demutten, perhaps his eldest, had been exchanged by Nassau in 1479 for Claus Rorich, a serf of the neighbouring village Bachheim (PETER BROMMER, ed., *Regesten der Pergamenturkunden im Archiv vom und zum Stein zu Nassau*, Koblenz 1979, p. 256, no. 751), probably in order to enable him to marry into his future wife's community. A fourth son, who lived in the nearby village Frücht, married the daughter of the local *Hofmann* (p. 296, no. 827). One of the family's fields lay between two pieces owned by nobles, but it is not clear whether this may serve as an indirect indication of its importance (Hausarchiv Schloß Vollrad, Kasten Greiffenclau 11 [6.12.1482], cited according to BUSCH, *Regesten* [as in note 16]).

¹⁹ GENSICKE, *Kirchspiele* (as in note 1), pp. 223–224.

²⁰ DETLEV SCHWENNICK, *Europäische Stammtafeln: Stammtafeln zur Geschichte der europäischen Staaten*, vol. 9 (new series), Marburg 1986, tables 46–47.

²¹ F. W. ROTH, ed., *Geschichtsquellen des Niederrheingau's*, Part I: *Regesten zur Geschichte des Niederrheingaus*, Wiesbaden 1880, p. 448, no. 20. As late as 1445, Friedrich Greiffenclau stayed in the nearby castle of Oberlahnstein (OTTO VOLK, ed., *Die Rechnungen der mainzischen Verwaltung in Oberlahnstein im Spätmittelalter*, Wiesbaden 1990, p. 608).

²² Hausarchiv Schloß Vollrads, Kasten II Greiffenclau 11, 10.6.1457; 9.9.1457, cited according to BUSCH, *Regesten* (as in note 16).

until 1469.²³ Thus, when his clerk Antonius Zorn appeared in the village in 1482, this was part of Greiffenclau's renewed presence in Becheln, reasserting his rights both vis-à-vis the villagers and his rivals, the Counts of Nassau.

The reasons for Greiffenclau's insistence on his right to provisions are not self-evident. Lords' rights of board and lodging in villages were an important economic asset, but more may have been at stake. The seigniorial clerk Antonius Zorn failed to refer to any recent use made by his lord of his presumed right to board in Becheln. However, the right of board and lodging was itself one of the important symbolic attributes of lordship and often associated with the power to command. Greiffenclau was not the sole lord in Becheln. The *Vogt* (*advocatus*, *avoué*) of Becheln and its surroundings — entrusted with the power of coercion and jurisdiction — was the Count of Nassau. Using their office as *advocati* and relying on their superior resources, the Counts of Nassau were gradually consolidating their power to become territorial lords of the area, while weakening the authority of manorial lords such as Greiffenclau.²⁴ In 1482, this process was far from complete. The Counts of Nassau were operating through their local followers in the village, who controlled the body of jurors. This makes it understandable why Johann Greiffenclau insisted on his right of board and lodging — and why he met with such resistance.

2. The Making of a Peasant Text

When the jurors convened again some two weeks later, on December 2nd, the scene had changed. Their spokesman, Claus Demutten, associated with the unequivocal rejection of the lord's claim, was replaced by the next senior member of the jurors' body. They now faced the steward Anselm von Lautert as the representative of the lord of Greiffenclau; in the previous encounter, he had remained in the back-

²³ In 1467, Johann Greiffenclau became governor (*Vizedom*) of the Rheingau (ROTH, *Regesten*, p. 448, No. 22). Two years later, he bought from Georg von Becheln — a member of a locally-based family of lesser nobles who were most likely related to the lords Greiffenclau von Vollrads — the fief of the nearby castle of Lahnstein; the archbishop of Mainz confirmed the transaction and invested Greiffenclau with the castle (Hausarchiv Schloß Vollrads, *Kasten II Greiffenclau* 11, 4.8.1469, cited according to BUSCH, *Regesten* [as in note 16]). Johann Greiffenclau may have already stayed at the castle of Oberlahnstein around Christmas 1463 (VOLK, *Rechnungen* [as in note 21], p. 255).

²⁴ Cf. GENSICKE, *Kirchspiele* (as in note 1), pp. 221–223. For a valuable analysis of comparable processes, see IRMTRAUT EDER, *Die saarländischen Weistümer — Dokumente der Territorialpolitik*, Saarbrücken 1978.

background.²⁵ This time, the *Weisung* took place in a house of one of the villagers who himself was not a juror; he seems to have been associated with Greiffenclau.²⁶ Finally, whereas two weeks earlier “the whole community” had assisted the event, now only a few witnesses, probably allied with Greiffenclau, were present.

Anselm von Lautert asked the jurors about the article at issue. They asked leave to adjourn and then returned and said:

We leave the said article about provisions contained in the old register to stand with its worth and authority, because until this moment we cannot quite remember whether it had ever been proclaimed.

Asking for time to refresh their memory and consult the members of the community was an acceptable move by jurors within the game of the *Weisung*, though one seldom encounters peasant jurors who failed to return with the answer their lords sought to hear. And in a way, the Becheln jurors were indeed about to provide the lord Greiffenclau with the required statement. Yet they avoided saying that they now actually remembered the article about provisions. Instead, they began by declaring that they did not challenge the written record and recognized its “authority” — adding immediately that they themselves still did not “quite remember” having heard this article proclaimed in the past. This amounted in fact to a more diplomatic, but still dangerous, restatement of their initial declaration in the previous encounter.²⁷ Hence they hastened to continue:

²⁵ Anselm von Lautert, who was active in nearby Braubach as steward (*Kellner*) for the Counts of Katzenelnbogen (KARL E. DEMANDT, ed., *Regesten der Grafen von Katzenelnbogen*, 1060–1486, Wiesbaden 1953–1957, nos. 6155, 5661, 5850) and held some landed property in Becheln itself, appears in the first assembly as a mere witness to the proceedings. Just a few days after the present assembly, in which he successfully secured the villagers’ recognition of Greiffenclau’s rights in Becheln, Friedrich Greiffenclau confirmed another transaction, by which Georg von Becheln had sold some of his possessions in the village to Greiffenclau’s “dear follower” Anselm von Lautert, who in this way rounded up his landed property in Becheln. This can be interpreted as rewarding Anselm for his services (Hausarchiv Schloß Vollrads, Kasten II Greiffenclau 11 [6.12.1482], cited according to BUSCH, *Regesten* [as in note 16]).

²⁶ It appears that apart from the rival village headman of Nassau, all the “honourable witnesses” mentioned by the notary as having attended the first *Weisung* were followers of Greiffenclau: Anselm Lautert of Braubach, Johann Lautert of Braubach, who can be identified as his son (DEMANDT, *Regesten* [as in note 25], no. 5880), and Hans Rorich of Becheln. The same Hans Rorich was the only witness who also attended the second declaration of the jurors, which took place at the house of Adam Rorich, probably his relative. Although the sources do not permit to identify with any certainty a village ‘faction’ allied with Greiffenclau, they seem to point quite clearly towards the Rorichs.

²⁷ The jurors simply reversed the order of their original statement, beginning now with the recognition the written record instead of foregrounding their rejection of the claim that it was part of their traditional *Weisung*. Furthermore, instead of saying that *although*

So we ask our dear lord to be merciful with us regarding such provisions and to treat us as he has faithfully done until now, for we also declare: If it happens that we have a feud and we send for the said junker and he shall then come to the village of Becheln, riding with six or ten of his men, more or less, he shall stay at his court, and whatever he then eats together with his friends and horses — the community shall pay and provide for his needs as best as it can, and with regard to the feud, the junker Johann shall hang his shield in the village in front of his court and help there to defend and maintain the village against any harm as well as he can.²⁸

The jurors now seem to have finally admitted their lord's right to provisions from the village community, using formulations that are strongly reminiscent of those quoted from the seigniorial records. Yet the modalities of their statement merit some closer attention. Whereas Antonius Zorn insisted on their formal *duty* to pronounce the law 'properly' in conformity with their past statements and his written record, they manage to avoid presenting their revised declaration as based on memory, and hence obligatory and traditional. Instead of insisting on their traditional authority, they undermined it even further. Why then do they declare it? By using unobtrusive conjunctives ("So we ask our lord to be merciful... *for* we *also* declare"), they imply that the lord should abstain from massively realizing his right to provisions for them, on their part, are willing to proclaim it. They thus subtly suggest a parallel between his expected grace and their own speech act, which by the very same move also becomes something they do not because they are legally obliged to do, but in return for something — for the consideration they expect from him. Thus, the jurors of Becheln countered the construction of reciprocity suggested by the lord's official

they have never declared it in the past they will leave the matter as it was — which yielded a coherent, but risky statement — they now say that *because* they do not remember it, they leave the entry in the register unchallenged. This statement managed to make sense because instead of flatly saying they never declared this to be their law, they now say they cannot "quite remember it." This enabled them to still imply that the right to provisions was not part of their traditional *Weisung*.

²⁸ *Wir lassen den vorg[ena]nten Articul von der Azunge jn dem alten Register begriffen zu seim werde sten vnnd lassen den auch jn seiner macht, dieweil vnns das vff diesse zeit nit ganz jndenckig ist, ob der ye geweyst sey. So bitten wir vnnsere lieben Junckern obg[ena]nt, Vnns dar Inne ein gnadt zuthun solcher azung halber, Vnnd sich gegen vnns zuherweysen als er bißsher vns getrewlich gethan vnnd beweist hadt, Dan wir wissen auch also[: "[W]ere es sach, das wir fede hetten, vnd wanne wir vorg[ena]nten Juncker Johan schicken, vnnd alsdan queme jn dißs dorff Becheln reyden selb sechst oder selb zehenden, mer oder mynder, vngeuerlichen, So soll er sich jn seinen hoff lassen, vnnd was er also dan mit seinen freunden oder pferden verzerte, Das soll die gemeine doselbst bezalen vnnd soll jme das best thun, vnd soll jn der vhede der gen[an]te juncker Johan seinen schilt hencken jn das dorff vor seinen hoff vnd soll da das dorf helffen beschirmen, vnd helffen behalten vor schaden nach seinem vermugen.["]* HStA Wiesbaden, 350/2, fol. 6^v–7^r.

with their own, less conspicuous reciprocal construction, which applied not to the contents of their statement — the specific obligations of the village community — but to the act of pronouncing it. In the long term, this could have important implications, for although they proclaimed the lord's right, they still managed to avoid saying they remembered it and thus to commit themselves irrevocably. As participants in the *Weisung* game of tradition, the Becheln jurors came as close as possible to making an untraditional statement, representing their revised declaration as neither a faithful statement of tradition nor an unconcealed capitulation to seigniorial pressure.

Anselm von Lautert, who took the place of Antonius Zorn in conducting the case, accepted this declaration. Perhaps the fact of having elicited public recognition of Greiffenclau's claims was more important for him than the particular modalities of the statement. In addition, acting on this particular occasion on behalf of the lords of Greiffenclau, he may have been less familiar with the minute details of local tradition than the seigniorial clerk Zorn, who was absent this time. In any event, he immediately asked the notary to prepare a formal record of the event.

Yet while clearly yielding to Greiffenclau's demands, the Becheln jurors not only qualified the status of their statement, but also introduced several subtle but significant changes in the wording of the version which had been suggested to them by their lord's clerk. Most notably, they turned a relatively abstract general seigniorial entitlement to hospitality into a vivid narrative of a hypothetical case of a feud: A feud breaks out; the villagers call in the lord, who then comes to the village as their guest and defends them. In this way, they tacitly restricted a general claim for provisions whenever the lord comes to the village to a particular case of emergency. The Becheln jurors had apparently plenty of time to think about the reciprocal obligations they claimed not to be able to recall. They came up with a lively picture of a loyal lord coming to their rescue.

By this very same move, however, the villagers also made the lord's presumed counter-obligation look more real and concrete than ever before (*a*); they fastened even further the precarious link between hospitality and defence suggested by the clerk (*b*) and thereby transformed the nature of their own statements (*c*).

(*a*) As a rule, late medieval German villagers seldom insisted on their lord's presumed obligation to defend them; actual cases of active defence are hardly ever documented in the historical records of the period.²⁹ It is clearly something the

²⁹ For further supporting evidence, see ALGAZI, *Herrengewalt* (as in note 4), pp. 61–96; 178–183; IDEM, *The Social Logic of Private War: Some Late Medieval Views Reviewed*, in: *Tel Aviver Jahrbuch für deutsche Geschichte* 22 (1993), pp. 253–274.

villagers of Becheln did not seek to include in their original *Weisung*. In their declaration 59 years later, they left it out once more.³⁰ Moreover, all the parties referred consistently to “the article about provisions,” rather than to the obligation to defend the villagers, making sufficiently clear what was actually at stake. By contrast, in the jurors’ modified version, the contrived counter-obligation of the lord to defend the villagers was made to look important and real. “The junker” — they do not call him “our lord” here — is summoned by the villagers to help them in *their* feud.³¹ He is portrayed almost as if he had been in their service. If we had only had access to this statement, without its previous history, the circumstances of its production and the surrounding hedges — which is normally the case with records of peasant *Weisung* — we would have imagined the peasants of Becheln as firmly believing in this construction. We would have no reason to doubt that they perceived their lord as their patron and natural defender. We would also have no reasons to doubt that their hospitality was offered *in return* for the defence they expected from their lord.

(b) The precarious link between the two also assumed a new form. The jurors sought to restrict the lord’s claim for hospitality by linking it more tightly to his counter-service for the villagers. Yet whereas in the version cited by Greiffenclau’s official from his records, a mere ‘and’ conjoined abstract and apparently distinct obligations, now the two were embedded in a continuous narrative sequence portraying a concrete event,³² which made the justification of the lord’s claim self-evident: The lord was actually coming to their rescue — and therefore ‘naturally’ entitled to be provided for. Thus, the village speakers did more than simply endorse the seigniorial construction of reciprocity in order to restrict some of its practical

³⁰ The events of 1541 are described in the next section. Note that as subjects of the territorial prince, the people of Becheln were expected to participate in the defense of the territory. In the sixteenth century, together with the neighbouring village Frücht, they sent a contingent of 9 men (SARHOLZ, Becheln [as in note 1], p. 37).

³¹ This is the formulation suggested in the article read out by the lord’s scribe. In their original declaration, however, the jurors distinguished carefully between their own and the lord’s responsibility for maintaining the lord’s court in good shape: whereas in cases of natural decay or fire the community was bound to repair the court, they were not responsible for this in cases where it was damaged “because of the junker or because of feuds.” They hence clearly classified feuds as their lord’s concern.

³² Note the repeated use of temporal adverbs (“we send for the said junker and he shall *then* come to the village... and whatever he *then* eats...”), which both lend vividness to the narrative and restrict the possible applicability of the lord’s claim to provisions.

implications. They lent it more credibility, without investing it with belief. It is precisely because they only half-heartedly accepted this construction that they gave it a stricter interpretation and portrayed it in such vivid terms. The apparently coherent resulting declaration was the product of a contradictory strategy, in which collusion and resistance were inseparably merged; it betrays the inherent contradictions in the weapons of the weak. Taken in isolation, the peasants' version would sound all the more convincing the less they themselves were convinced of what they said.

(c) Peasants' speech was itself affected by their attempt to contain — in the most literal sense — the seigniorial challenge. Having been offered a tenuous link between a seigniorial claim and their supposed entitlement, they first tried to reject it wholesale during the first assembly. Once they had failed, they interpreted this link as strict and binding as possible, conferring on their lord's contrived obligation the facticity of the obligation they themselves were trying to evade. Their recurring oscillation between complete rejection and strict rendition of the construction of reciprocity offered by their lord expresses their predicament better than the explicit content of any particular statement they made. Their utterances, although formulated as normative statements, cannot be taken to reflect a set of normative beliefs about reciprocal obligations, but rather the contradictory constraints of their social situation, their entanglement in the unequal game of tradition. By reducing such context-bound *moves* to self-supporting *texts*, we may be following in the footsteps of diligent seigniorial clerks, who sought to transform villagers' situated utterances into generally binding statements by occluding the social circumstances of their production. By interpreting such texts as expressing consistent intentions and ingrained beliefs, we would add to the social bias inherent in the process of transmission in the seigniorial archive, a specifically learned bias: inadvertently projecting on the people of the past our wish to understand them, we are prone to treat their utterances as if they originated in their wish to express themselves, endowing their words with the consistency they were not able to afford, nor necessarily interested in.³³

The subsequent fate of the record of 1482 in the chancellery of the lords Greiffenclau von Vollrads usefully illustrates the social bias of the seigniorial archive and its characteristic operations. In the sixteenth century, a summary of the

³³ For another attempt to explore how the effects of past social strategies can be redoubled and obscured by modern scholarly bias, see ALGAZI, *Ein gelehrter Blick ins lebendige Archiv: Umgangsweisen mit der Vergangenheit im 15. Jahrhundert*, in: *Historische Zeitschrift* 266 (1998), pp. 317–357.

Weisung was compiled for the use of the seigniorial administration.³⁴ Such summaries typically served to codify peasant *Weisung* in order to control and regulate its course. Since the organization of the text and its particular phrasing leave no doubt about its direct textual dependency on the record of 1482, it enables us to retrace the major modifications undertaken by its editor. It thus also serves to check the preceding analysis of the text by setting it against the way it was read and processed in the seigniorial chancellery.

All the questions posed by the lord's representatives were omitted from the text, yielding a homogeneous list of norms proclaimed by the jurors and reported in the third person plural ("the jurors recognized... they further recognize..."). The voice of lordship was hence consistently effaced from the text, giving rise to a seemingly self-supporting peasant declaration. Where the text reaches the contested issue of boarding the lord, more thorough editing was apparently required. The sixteenth-century scribe who compiled the text had difficulties recognizing the relatively uncommon word *Atzung* quoted in 1482 to designate the lord's right to provisions, but he understood well the issue at stake: He left out the whole conflict between the seigniorial scribe Antonius Zorn and the villagers and their request that Greiffenclau would not make use of his presumed right. He also omitted their assertions that they did not remember the seigniorial claim for board. Instead, he quoted the jurors' recognition of the authority of the written article about provisions and pieced it together with their final statement representing the lord coming to their rescue and enjoying their hospitality.³⁵

The stitches in the text, however, remain discernible: Only here does the scribe's summary deviate from the indirect speech – used quite consistently to report about the jurors' statements – in order to quote them recognizing the

³⁴ Archiv Graf von Kanitz, no. 1781; KLOFT, *Papierurkunden* (as in note 12), p. 341, dates the text to 1551. When Greiffenclau's rights in Becheln were transferred to the lords vom Stein (see below, note 44), the document was superficially updated by a note in the margins of the first page stating that the name of the lords had now changed.

³⁵ *Item der anzeigungh* [the word underlined and corrected above as 'atzung'] *halber, haben die von Becheln also beyricht geben, wir lassen den vorgemelten artikel, von der anzeygungen* [corrected: 'atzung'], *in den alten Registern begriffen, jn seinem werdte stehn[.] Auch wissen wir also[:] wehre es sach, das wir fedte vnd feindschafft hetten, vnd nach dem junkern schickhen, vnd er kemhe in das dorff Becheln reyten, selbst sechst, oder zehent, mehr oder minder, ohngeferlich, so solle sich in seinen hoff einlassen, vnd was er mit seinen freundten und pferdten verzert, das solle die gemeine bezallen, vnd soll jmhe das beste thun, auch soll jn der fed meinen Junkern seinen schilt hencken jn das dorff Bechlen vor sein hoff, vnd soll da das dorf helfen beschirmen, vnd erhalten vor schadten, nach seinem vermugen.* Archiv Graf von Kanitz, no. 1781, fol. 4^v.

“above-mentioned article” in the first person plural. While the voice of the seigniorial scribe quoting the article is suppressed, the peasant one is enhanced to create an effect of authenticity. However, since the preceding conflict with the lord’s scribe has been completely omitted, the reference to the article “contained in the old registers” is left hanging loosely in the text, pointing to some indeterminate, suppressed context. The unexpected reference to an unspecified seigniorial document and the sudden shift to the first person plural which echoes the villagers’ voice mark this point in the text as an unsmoothed trace of a preceding dialogue between opposed voices, both of which are referred to without being made truly accessible. Taken for itself, such a trace in the written record is bound to remain unintelligible, a symptom without an identifiable cause.

Having stripped the jurors’ modified statement of its preceding history and its associated qualifications, the seigniorial scribe could safely incorporate it into the prototypical *Weisung* that he was constructing without further significant modifications.³⁶ The “article about provisions” that had emerged from the seigniorial archive in 1482 has now come full circle to land there again after triggering a series of exchanges on its way and transforming its shape several times in the process.

From a wider perspective, the whole conflict can be seen as revolving around the issue of hosting and hospitality, which could well serve as a condensed metaphor for some crucial aspects of lord-peasant relationships in late medieval Germany. The lords of Greiffenclau insisted that their peasant subjects should act as their hosts; the villagers did their best to repudiate the lords’ claim to be their guest. The lords’ claim was to be justified in terms of confronting an imagined external threat, but the visit itself represented a threat — one of obligatory hospitality and uninvited proximity. Similarly, the practice of transmitting seigniorial claims and peasant dues through the mouths of peasant jurors obliged villagers to serve as living hosts for seigniorial textual tradition, an extension of the lords’ archives. Yet, here as well, obligatory proximity and hosting had destabilizing, albeit asymmetrical, effects on both sides.

Facing the whole village community, the seigniorial clerk Antonius Zorn distributed food, wine or money to the peasant jurors in return for their willingness to serve as reliable vessels of local tradition — only to confront them immediately with discordant past statements, implying that the seigniorial archive was a far more

³⁶ The scribe omitted, however, the temporal adverbs (note 32 above) that the jurors had introduced into their account of the lord’s stay in the village. He also consulted the version suggested to the jurors by Antonius Zorn (note 13), as can be inferred from his inclusion of the formula “feud or hostilities”, which does not occur in the jurors’ version (note 28).

reliable depository of binding tradition than unstable peasant memory. By the same token, peasants' past statements, when pronounced from the clerk's mouth, could emerge transformed from the seigniorial archive. Their revised statement would land in its turn in the seigniorial archive, beyond their reach, only to be evoked again in the course of the centuries to come. The continual movement back and forth between seigniorial archive and villagers' public memory may have thus destabilized both poles, but also constituted its particular dynamics as a contradictory inscription system.

Its effects, however, were not symmetrical. The community speakers tried to take their lord's clerk at his word and to portray him as their true defender. They could only do so by reversing their previous statements. But by trying to incorporate his words in their own, they entangled themselves in contradictions. Had they not denied just a few weeks earlier that such an obligation ever existed? And when they finally declared his claim to be their law, they still claimed that they had no memory of it. They could not pretend to believe what they were saying — which is probably why they expressed it more emphatically than ever before. But neither could they insist on their previous version. Coherence should not be sought in their statements, but in the social strategies underlying them. The text that resulted could be attributed to both parties and to no one. It was a polyphonic product of a whole social figuration.

3. Coda: Seigniorial Records and Peasant Memory

This was not the end of the story. In 1541, lord Richard Greiffenclau von Vollrads came himself to Becheln, accompanied by his scribe, and summoned the whole community by ringing the bells.³⁷ He did not ask the jurors to perform a *Weisung* in the traditional manner — through an exchange of questions and answers in the course of which the local law was collectively reconstructed. Instead, he held in his hands the notarial instrument documenting the assembly of 1482, which he now wanted the jurors to confirm as their *Weisung*. He handed it to the public notary that he had brought with him and asked him to read it to the peasants assembled. "I read it to them," wrote the notary, "in a clear, loud voice."

³⁷ Archiv Graf von Kanitz, no. 1781 (a later copy).

By then, however, the Counts of Nassau had further increased their power in Becheln.³⁸ Their appointed mayor in Becheln, Till Schmidt, now appeared second in the jurors' list, but acted on this occasion as their speaker. Earlier the same year, the lord of Greiffenclau complained that the same Till Schmidt and his followers, with the knowledge of Nassau's officials, unlawfully collected tithes belonging to Greiffenclau.³⁹ Such encroachments on Greiffenclau's rights were most likely the reason for his renewed activity in the village.⁴⁰ Now, perhaps inspired by reading the record of the events of 1482, Richard Greiffenclau apparently tried to confirm its contents and re-enact it in person, coming himself to the village equipped with the notarial record and bypassing the usual *Weisung* procedure.⁴¹

The men and women of Becheln, who assembled this time in the main hall of the central building on Greiffenclau's court,⁴² now heard the entire story: how Antonius Zorn surprised their ancestors and triumphed over them by invoking the article from the old register. Yet unlike their predecessors in 1482, the villagers present were now confronted not merely with an extract of the older record — the distilled outcome of past conflicts: the whole notarial record of the assembly of 1482 was recited to them to be confirmed en bloc. This, however, could prove to be a double-edged move. The written record could serve as a powerful reminder not only of their lord's past victory, but also of their own resistance. This could bring about unexpected effects. One wonders whether the document that re-emerged from the seigniorial archive did not rekindle dormant memories of past conflict. Seigniorial archives also had a share in shaping villagers' historical consciousness. The lesson to be learned from the record was likewise equivocal: One could resign oneself to

³⁸ GENSICKE, Kirchspiele (as in note 1), p. 223; on a parallel process in neighbouring Frücht, see IDEM, Zur älteren Geschichte von Frücht, in: Geschichte des Dorfes Frücht, ed. WILHELM FRESE and FRIEDRICH SCHABACK, Bad Ems 1952, pp. 7–30, at pp. 14–15.

³⁹ HStA Wiesbaden 350/V5. The value of Greiffenclau's tithes in Becheln was estimated in 1615 to have been 2000 florins (HStA Wiesbaden 121, Greiffenclau 1615, fol. 13^v). In 1545, a further conflict with Nassau arose about incomes from the court, which Richard Greiffenclau claimed had been withheld from him (HStA Wiesbaden 350/2).

⁴⁰ He also redeemed Greiffenclau's rights at the nearby castle in Oberlahnstein in that same year (GENSICKE, Kirchspiele [as in note 1], p. 224).

⁴¹ Two years earlier, Richard Greiffenclau apparently acted in a similar way in Bisterscheid, north of Saarbrücken. He came himself to the village in 1539 and tried to elicit recognition of a presumably old record of 1460. The jurors rejected the claim and did this again in 1617 (WILHELM WEIZSÄCKER, FRITZ KIEFER, GÜNTHER DICKEL, eds., Pfälzische Weistümer, Speyer 1957–1973, pp. 122–127).

⁴² On the building and its later history, see SARHOLZ, Becheln (as in note 1), pp. 27–30. This is in fact one of the few records in which women's presence in a formal *Weisung* is explicitly mentioned.

the fact that the game of tradition was biased in favour of lords — or conclude that villagers had better insist to the utmost on their version of the past, because momentarily yielding to lords' demands could have momentous consequences when transmuted into part of binding tradition in the obscure precincts of the seigniorial archive.

Be that as it may, having listened to this record, the lord's clerk posed a single question to the jurors: Is this record true and publicly binding or not? The jurors withdrew to deliberate and then asked Till Schmidt to reply in their name: We confirm the document in its entirety, as our forefathers and former jurors have done before — except for the article about the lord's right of board in the village. After 59 years, the jurors of Becheln again rejected the Greiffenclau's claim. His clerk asked the notary to produce a formal record of this event, too.

It should be borne in mind, however, that by now, the stakes had changed. For the lord of Greiffenclau, the issue of provisions became secondary; he was now interested first and foremost in eliciting recognition of his main revenues from the village — the tithes and the third of the court fines, which were undermined by Nassau's men. The jurors must have been well aware of this, given that it was their spokesman, Till Schmidt, who was said to have unlawfully collected the tithes belonging to Greiffenclau and handed them over to Nassau officials. For them, however, the claim to boarding remained important and unacceptable. In terms of the immediate interaction, it was still a defeat for Richard Greiffenclau, especially since he himself had introduced into the encounter the narrative of the previous act in the conflict. It is significant that when Greiffenclau wrote to the Counts of Nassau in 1545 to complain about further encroachments on his rights in Becheln, he referred to a formal "renewal" of his rights in 1541, but avoided quoting or submitting the document in question.⁴³ Instead, he attached to his letter only the record of 1482.⁴⁴

⁴³ The *Weistum*, he wrote, was *bey mir in kurzen jarn erneuert vnnd zu recht gewesen*. In response, local Nassau officials conducted an inquiry about the actual division of the money. The two oldest jurors of Becheln confirmed that, in their *Weisung*, they regularly recognized Greiffenclau's entitlement to a third of the incomes from court proceedings, but they had no idea whether the money was also actually given to Greiffenclau (HStA Wiesbaden 350/2).

⁴⁴ In the long run, the lords of Greiffenclau were to lose their hold on the village. They leased their local court in the late sixteenth century (SARHOLZ, Becheln [as in note 1], p. 27), and during the next century, their rights in Becheln passed into the hand of the lords vom Stein. As early as 1466, the junker vom Stein exercised patronage rights over the village church (KLOFT, Papierurkunden [as in note 12], p. 665, no. 3893; BROMMER, Pergamenturkunden [as in note 18], p. 316, no. 867). They also had possessions in the neighbouring villages Krüft, Bachheim and Schweighausen (GENSICKE, Frücht [as in note 38], pp. 8–11; BROMMER, *ibid.*, *passim*). In the sixteenth century, the Steins and the Greiffenclaus concluded several marriage alliances (KLOFT, Papierurkunden [as in note 12],

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The analysis of the Becheln case shows, I believe, how lords and peasants — together and against each other — were weaving thin threads around heterogeneous and potentially unrelated obligations and services. Their collective and contradictory efforts shaped the representation of the obligations at issue and the reciprocal link connecting them. The Becheln text is by no means representative. It is its singularity that provides some valuable insights into the work of representation involved in constructing reciprocities between lords and peasants in the late medieval German countryside. The basic strategies at work may be common to such processes in general, but they owed their particular shape and effectiveness to the social positions of the participants, the particular institutional context in which they operated, and the cultural resources at their disposal. To set the Becheln case in perspective, some further clarifications on each of these issues are necessary.

4. Processes: Implied, Invented, and Invisible Reciprocities

One could perhaps be led to conclude from the Becheln case that constructions of reciprocity were basically suggested from ‘above’, initiated by lords. Analogous examples can indeed be found, though seldom as detailed as one would wish. The jurors of Bosenbach, for instance, insisted that villagers were exempted from compulsory seigniorial monopolies such as the duty to drink the lord’s wine or to use his bakery only. “What is the source of these liberties,” they were hence asked, “and what does the lord have in return?” Seeking to counter the threat of the implied reciprocity, they doubled the reasons: Their liberties are founded on age-old custom, and the lord receives rents and tithes in return.⁴⁵

Reciprocity, however, was not a seigniorial invention or speciality. Peasants were likewise trying to spin threads of reciprocity ‘from below’, to bind their lords to behave in certain ways by representing their own obligatory services as if they

pp. 24, 34, 35, 161), and the process was crowned in the 1650s, when they took over the possessions in Becheln (KLOFT, *ibid.*, pp. 340–343; BROMMER, *ibid.*, p. 456, no. 1055).

⁴⁵ Bosenbach 1537–1578 (WEIZSÄCKER, *Pfälzische Weistümer* [as in note 41], p. 185).

entailed lords' doing something in exchange. Often enough, in return for performing their duties, peasants merely expected their lords to refrain from encroaching on villagers' rights.⁴⁶ In other cases, they tried to secure tangible counter-claims, such as use rights of the commons, the forests or the ponds, by creating links of reciprocity between certain dues and such rights.⁴⁷

Such constructions, which are usually treated as plain statements of existing norms, may conceal a whole variety of local constellations that are difficult to reconstruct. In some instances, peasants were evidently seeking to make the most out of dues which they had to perform anyhow, subtly attaching a counter-obligation to a traditional one-sided contribution.⁴⁸ In Schweppenhausen, for example, the jurors said in 1407 that since the villagers were forced (*gedrungen*) to use the lord's mill and bakery, they should be entitled to use the lake and the forest. They even suggested that they could claim something in return for delivering the Easter eggs on time: The eggs should be presented punctually, so that the lords may properly benefit from them; in return, they said, peasants were *not* obliged to provide the lords with provisions.⁴⁹

In some instances, villagers were trying to turn an existing practice into their recognized right by offering something 'in return'. In more complex cases, they would try to secure some control over an object which lay in seigniorial hands —

⁴⁶ See, for example, Kenne 1409/313; Bertzweiler 1469/660; Bassertorf 1400 (discussed in ALGAZI, *Herrengewalt* [as in note 4], pp. 40–50); Bisterscheid 1533–1539 (WEIZSÄCKER, *Pfälzische Weistümer* [as in note 41], p. 126).

⁴⁷ See, for example, Baalborn, 1563–1592 (WEIZSÄCKER, *Pfälzische Weistümer* [as in note 41], p. 72).

⁴⁸ In Alsatian Riespach, the local declaration of the law says that “whoever did not pay the rent or paid less than his due should be denounced, and what the tenants say on their oath when assessing the amount of rent should be believed.” Here as well, a *quid pro quo* construction is implied: The peasants recognized their obligation to denounce each other, and ‘in return’, their self-assessments were not to be challenged — to the extent that they entangled themselves in the workings of lordship (GRIMM, *Weistümer* [as in note 2], vol. 4, p. 7, where the text is dated to the late fourteenth century). On constructing services as matter of duty or as part of a reciprocal exchange, see GELL, *Barter and Gift-Exchange* (as in note 6), pp. 150–152, 155–156.

⁴⁹ GRIMM, *Weistümer* (as in note 2), vol. 2, pp. 184–185. The link between the two may have been reinforced by the fact that both were associated with nourishing the lords. The Schweppenhausen declaration contains further such constructions. The speakers linked the baker's right to use the commons to his obligation to help peasant women to carry their load. Village sources often refer to tensions between bakers and community members (cf., for instance, WEIZSÄCKER, *Pfälzische Weistümer* [as in note 41], p. 9).

but which they nonetheless considered theirs — by presenting some service as if it were done in return for such control “conceded” to them by their lord. Peasants need not have believed that they should do anything ‘in return’ for what they considered their right to fish in the lake — but it could seem safer to attach their use-rights to some existing obligation. Thus, both sides may have been paying each other in false coin — peasants giving actually nothing in return for something they considered to be theirs anyway. Yet only seldom does the surviving evidence enable us to reconstruct such conflicting representations and to trace their history.

Moreover, explicit constructions of reciprocity between lords and communities may conceal other, less visible forms of exchange. Village elites, which usually controlled local bodies of jurors, could secure from lords important advantages within their village in return for cooperation, yet most of them are hard to detect.⁵⁰ Jurors routinely enjoyed some visible privileges, such as exemption from some seigniorial dues, a certain share of the fines collected from court proceedings, and often a meal at the lord’s expense. But in the context of local peasant society, much more may have been at stake in the wording of their statements than the available documentation allows us to perceive. Finally, written documentation in German territories privileges the formal declarations of the law, whereas the exercise of jurisdiction by the same jurors is seldom documented until well into the sixteenth century. As a result, central elements of an implicit *quid pro quo* between lords and village elites may remain hidden from view, whereas foregrounded, explicit reciprocities may conceal more complex local constellations.

5. Outcomes: The Shapes of the Legal Landscape

A major stake at village assemblies was the social management of the meaning of practices and obligations, but such processes did not necessarily result in consensus. Lords and peasants could retain contradictory representations of important elements of the social world they were partly sharing.

To be sure, not all obligations and practices were equally amenable to such strategies of representation. Lords’ power was institutionalised. The *violence douce*

⁵⁰ A good example is supplied by village laws concerned with control over the labour force of the young; for some examples, see HANS FEHR, *Die Rechtsstellung der Frau und der Kinder in den Weistümern*, Jena 1912, pp. 90–91. For a survey based on the *Weistümer* of lower Austria, see KARL F. HELLEINER, *Ländliches Mindervolk in niederösterreichischen Weistümern*, in: *Zeitschrift für Agrargeschichte und Agrarsoziologie* 25 (1977), pp. 12–34.

of reciprocity did not reign supreme in the late medieval German countryside; it was embedded in the workings of institutionalized lordship (*Herrschaft*). Dexterity in the game of tradition alone did not guarantee success in establishing such reciprocities. Actors were not free to shape their world as they liked, as my use of the term ‘construction’ might perhaps suggest. They had to take account of existing social constraints, as even the seigniorial clerk Antonius Zorn apparently did when he offered the peasants a bundle of reciprocal obligations instead of trying to impose a unilateral obligation. Similarly, it was the peasants’ social sense which predisposed them to accept this obligation, at least for the time being, while trying to curb its effects.

Nevertheless, in a rural legal universe, in which binding traditions were partly transmitted by creatively forgetful peasant jurors who used fluid concepts, there was considerable scope for implicit strategies and explicit arguments of this kind. As a result, the landscape of the late medieval German countryside came to be populated — in addition to its more ordinary inhabitants — by a multitude of hybrids: obligations which could be construed as unilateral and reciprocal, dues which seemed free and obligatory at the same time, or fragile provisional concessions which could also appear as solid customary entitlements. A given practice — providing provisions for one’s lord, including his pigs in the village flock, or even delivering seigniorial dues on time — could assume multiple and contradictory shapes.⁵¹ The very same service could thus be a binding obligation, a customary favour, or a free act of grace, either simultaneously — when viewed from different perspectives — or in succession, repeatedly refigured by the process of tradition.⁵² It is not the historian’s task to retrospectively impose order on this world by relegating such contested phenomena to their proper places and assigning them unequivocal meanings, but to reconstruct the underlying forces and structures that were shaping it.

⁵¹ A case in point is the long conflict between the peasants of Tirol and their ecclesiastical lords over the collection of dues from recently cleared lands (*Neurodung, novalia*), in which basic notions of justice and scriptural authority were at play: HERMANN WOPFNER, ed., *Quellen zur Geschichte des Bauernkrieges in Deutschtirol 1525. Teil 1: Quellen zur Vorgeschichte des Bauernkrieges: Beschwerdeartikel aus den Jahren 1519–1525*, Innsbruck 1908; rep. Aalen 1973, p. 43; NIKOLAUS GRASS, *Cusanus als Rechtshistoriker, Quellenkritiker und Jurist*, in: *Cusanus Gedächtnisschrift*, ed. by NIKOLAUS GRASS, Innsbruck and Munich 1970, pp. 101–210, at pp. 168–170.

⁵² Cf. LEO SPITZER, *Linguistic Perspectivism in Don Quijote*, in: *Linguistics and Literary History: Essays in Stylistics*, Princeton, NJ 1948, pp. 1–40.

6. Materials: Repertoires for Constructing Relations

Those forces included not only participants' positions and the institutional settings of their action, but also the prefabricated cultural options which channelled lords' and peasants' actions and perceptions. In the Becheln case, we can see how obligations were woven together — con-texted — in different ways to form part of a seemingly seamless web of *quid pro quo* relations. It is important to note, however, that lords and peasants were not inventing such links *ex nihilo*. Nowhere do we witness some original moment in which representations were imposed on raw practices. When constructing and disputing practices and entitlements, lords and peasants relied on pre-existing cultural repertoires.

Each late medieval German village had indeed its own particular laws and customs, so much so that even early modern German codifications of territorial law usually shrank before the task of introducing unified law into the complex historical conglomerates that rural lordships were. On the other hand, the declarations of the law of particular rural communities relied on an implicit productive repertoire, which could be adapted to changing circumstances and local customs. A peasant leaving his village and joining another — within a given, albeit hard to define geographical orbit — would have a vague, yet quite effective, notion of what to expect in the new surroundings.⁵³ A newcomer would hence be able to translate the local idiom — the pronouncements of the communal jurors — into a more familiar one, without explicit recourse to an abstract 'grammar' underlying the two.

Links between lords' right to wield violence and their claim to hospitality were an established component of the repertoire of rural law.⁵⁴ In our particular case, it seems that the Greiffenclau lords already claimed rights of hospitality in other villages, and the lords vom Stein, for instance, tried to do the same in the neighbouring village Bachheim.⁵⁵ In Becheln, Greiffenclau also had a manorial

⁵³ Cf. Alflen 1507 (KRÄMER and SPIEB, Amt Cochem [as in note 15], p. 410).

⁵⁴ For a ninth-century example from St. Martin of Tours, see PEYER, *Gastfreundschaft* (as in note 10), p. 172.

⁵⁵ In Bachheim, the jurors declared in 1553 that the lords vom Stein were entitled to quarters (*Lager*) in the village, but this is something they had heard from older people and which was not in practice in their own day. "They leave it the way it is described in the lords' documents," they added (GRIMM, *Weisthümer* [as in note 2], vol. 1, p. 593). In a previous declaration of 1461, the whole community declared its willingness to host their lords at any time (*ibid.*, p. 594, note 1; BROMMER, *Pergamenturkunden* [as in note 18], p. 229, no. 699).

court that the community was required to maintain.⁵⁶ Their claim to hospitality was thus put together through a bricolage of pre-existing elements — potential links, available material settings, and familiar courses of action. More generally, they evoked a notion of reciprocity whose scope and binding power were yet to be determined. By disputing the constitutive role of ‘the norm of reciprocity’ in lord-peasant relations, I should not be understood as denying that late medieval lords and peasants were well familiar with notions of reciprocity.⁵⁷ But it was not a fundamental norm to be safely relied upon, nor an external binding norm in terms of which they were supposed to define their relationship, but a resource which could be deployed within existing relationships with uncertain chances of success. It functioned as a potentially shared perspective to be evoked, a normative horizon — always present, but only occasionally relevant — in relation to which practices could be positioned.

Perfect reciprocities (and ‘real’ gifts) may keep eluding us the nearer we get to reconstructing the particular contexts of agents’ action. But both gifts and reciprocity would nevertheless remain real as available ‘folk models’ and modelling devices, looming in the backgrounds of historical actors’ action: Something in which they could try to bathe their actions — only to get themselves, and others, wet in the process.

⁵⁶ There are some indications that the court in Becheln was not in proper shape in 1482. The assembly did not meet there, although the jurors proclaimed the court to be the most proper place to convene; they said that some of their customary obligations to maintain the court (some of which are summarized in the next footnote) could not be fulfilled until the lords took the appropriate measures.

⁵⁷ The village jurors mentioned in their declaration a different sort of potential exchange with their lord: Only if Greiffenclau were to supply them with breeding animals for their livestock would they provide him with a tenth of the offspring. It is significant that this model of exchange is embedded in the context of production (the lord providing peasants with necessary capital goods). The obligations in question are conceived as mutually terminable: no bull — no calves, no boar — no piglets. For this aspect of rural lordship, see MICHAEL TOCH, *Lords and Peasants: A Reappraisal of Medieval Economic Relationships*, in: *Journal of Economic History* 15 (1986), pp. 163–182. Similar strict conditions can also be observed in the jurors’ statement about the fence of Greiffenclau’s court in Becheln: Although their ancestors had recognized the villagers’ duty to build a fence around the whole court, they declared they would only build part of it, since the lord had not provided them with suitable materials. If the lord were to provide wood, they said, they would build it. Once they built their share of the fence, the lord would have to complete the remaining part. Hence, if the fence should collapse within seven years of its construction, the peasants would be obliged to repair it, but if he didn’t complete his share, the junker and his heirs should undertake to repair the fence.

7. Beliefs: Collective Misrecognition?

Should we then view attempts such as these, in Bourdieu's phrase, as "strategies for concealing strategies," by which actors were concealing from themselves the real nature of their action, re-enchanting relations of power by imposing on them a semblance of reciprocity? Much of the analysis of the Becheln case presented so far indeed points in this direction. Yet two significant qualifications are called for: Reciprocity was not a mere semblance, and in order for it to become real, no collective belief was required. Bourdieu's conception of such acts of "social alchemy" seems to presuppose collective belief by the group involved.⁵⁸ Here, by contrast, is a case in which opposing social parties collude in upholding a common representation of their relationship without actually agreeing about it, nor necessarily believing in it. It is enough to read the record of Becheln to realize that bad faith is all over the text. No collective misrecognition sustained this representation. Reciprocity was indeed feigned — but nonetheless real.

One may argue, of course, that lack of collective belief is precisely why this fragile construction of reciprocity eventually broke down. But this does not have to be the case. Lords could well succeed in making their claim part of recognized tradition. Were it not for the special circumstances — the change in the local balance of power to the detriment of the Greiffenclaus — the villagers of Becheln would hardly be able to shake off this construction. Like many other peasants, they would have good reasons to collude in sustaining it, and even to lend it their own authority and contribute to its 'traditionalization.'⁵⁹ In fact, they already began to lend it credibility in response to the scribe's challenge in 1482. In the Becheln case, reciprocity was constructed together — and in this sense collectively — yet conflictually. We seem to need more examples of such collective constructions which owe their existence neither to spontaneous social consensus nor to collective misrecognition.

⁵⁸ BOURDIEU, *Theory of Practice* (as in note 8), pp. 5–6, 171–172, 194–195; IDEM, *Logic of Practice* (as in note 8), pp. 110, 112.

⁵⁹ Cf. ALGAZI, *Lords Ask* (as in note 9), pp. 215–221; IDEM, *Gelehrter Blick* (as in note 33), pp. 324–326, 351–356.

8. After the Fact

Lords and peasants also need not have believed that their obligations were originally based in a general norm of reciprocity. It was enough for them to perceive the particular links between specific obligations and services as obvious and traditional. Once these threads became part of the fabric of their everyday world, they could practically ignore the distant origins of such links, while being engaged in spinning new ones or trying to loosen others.

Written down, culled from the records of particular interactions, collated and reclassified by scribes, such fragile products of context-bound strategies could be transmuted into binding norms. They could thus begin a second career within diverse learned discourses. The afterlife of a medieval relic can be quite interesting. No longer perceived as fragile and often contradictory products of particular social settings, these strategies-turned-into-texts would be embedded in new contexts inferred from their wording. Set on paper, stripped of their particular histories and their local frames of reference, they would lose the ephemeral traces of the conflicts that gave rise to them. In this shape, they could easily fit into new textual contexts. When put side by side with similar ‘norms’ extracted from other rural lordships, they would now seem to support each other, and hence to confirm a view of reciprocity as some founding norm underlying the fabric of rural lordship. The products of embedded social strategies would thus seem to point beyond their context of production, referring to a bygone past⁶⁰ or to the ‘essence’ of medieval rural lordship. Eventually, they could be re-deployed in modern times to establish a view of reciprocity as the hallmark of ‘Occidental’ lordship.⁶¹ Unable yet to trace this process in sufficient detail, I shall confine myself here to some suggestions concerning the forces at work.

As Régine Robin has shown, some eighteenth-century defenders of the *ancien régime* sought to clad nobles retrospectively in bourgeois clothes, by portraying them as providing public services in return for their social standing.⁶² This translation of past relations into a new idiom of contractual obligations and the

⁶⁰ On this aspect, see Ludolf Kuchenbuch’s chapter in this volume.

⁶¹ A good example of such an illustrious career is provided by the subsequent fate of a section of the late thirteenth-century legal code, the *Schwabenspiegel*, which concerns the legitimacy of different forms of lordship (ALGAZI, *Herrengewalt* [as in note 4], pp. 86–92).

⁶² REGINE ROBIN, *Fief et seigneurie dans le droit et l’idéologie juridique à la fin du XVIII^e siècle*, in: *Annales historiques de la Révolution française* 43 (1971), pp. 554–602; J. Q. C. MACKRELL, *The Attack on “Feudalism” in Eighteenth-Century France*, London 1973, pp. 58–60, 174–177.

exchange of services would leave a lasting imprint on our image of the past — be it the ‘Middle Ages’, the *ancien régime* or ‘Old Europe’.⁶³ In addition, as ‘old Europe’ would gradually turn from a recognizable presence into a dim rumor it could serve as a surface for projecting fears and yearnings alike. Nostalgia for a world we have lost could populate it with benevolent patrons and ties of reciprocity which were perceived as missing from the present.⁶⁴ ‘Real’ reciprocity is usually to be found in the prologue to historical analyses, safely relegated to the period which is not under investigation, so that it may serve as a useful backdrop for the story to be told.

Finally, once the perception of social relations as based in exchange took root and became a natural way of conceiving them, it became hard to imagine a world in which the ruling classes did not crucially base their claim to superior position on fulfilling some specific social function *in return*.⁶⁵ Images of exchange have pervaded our own perception of the present and the past. In contrast, I would argue that for late medieval nobles, *noblesse oblige* meant first and foremost the obligation to embody a distinctive lifestyle — including the performance of occasional acts of violence and grace — but not a commitment to provide some specific public services within some functional scheme of reciprocal obligations.

⁶³ Cf. CARL LUDWIG VON HALLER, *Restauration der Staats-Wissenschaft oder Theorie des natürlich-geselligen Zustands; der Chimäre des künstlich-bürgerlichen entgegengesetzt*, Winterthur 1816–1820; rep. Aalen 1964, vol. 1, pp. 325–328, pp. 338–340; ALEXIS DE TOCQUEVILLE, *L’Ancien régime et la révolution*, Bk. II, ch. 1 (*Oeuvres complètes*, ed. by J.-P. MAYER, vol. 2, Paris 1952, pp. 105–106; *The Old Régime and the French Revolution*, trans. STUART GILBERT, New York 1955, p. 30). In the next chapter (p. 113; p. 40 in the American translation), Tocqueville cited the Prussian legal code of 1794 concerning lords’ obligations toward their peasants as the “last trace” of Europe’s presumed former constitution (he seems to refer to the Prussian General Law Code, pt. II, Title 7, Art. 123 and 125: *Allgemeines Landrecht für die preußischen Staaten von 1794*. Text edition with an introduction by HANS HATTENHAUER, Frankfurt am Main–Berlin, 1970, p. 437).

⁶⁴ Cf. the remarks by CLAUDE MEILLASSOUX in an interview with PIERRE BEAUCAGE, *Le don et le capital*, in: *Anthropologie et Sociétés* 19 (1995), pp. 191–206, at pp. 192–193.

⁶⁵ ROY DILLEY, *Contesting Markets: A General Introduction to Market Ideology, Imagery and Discourse*, in: *Contesting Markets: Analyses of Ideology, Discourse and Practice*, ed. ROY DILLEY, Edinburgh 1992, pp. 1–34; KENNETH J. GERGEN, MARTIN S. GREENBERG, and RICHARD H. WILLIS, eds., *Social Exchange: Advances in Theory and Research*, New York and London 1980, pp. vii–ix. Pryor and Graburn note that the assumption of balanced reciprocity is often upheld by inventing “a social invisible” which balances transactions “at the analytic cost of obscuring the importance of transfer elements” (FREDERIC L. PRYOR and NELSON H. H. GRABURN, *The Myth of Reciprocity*, *ibid.*, pp. 215–238, here pp. 234–235).

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In the historical record, cases such as the one I have analyzed are seldom documented. I do not claim that the Becheln case is statistically representative. Its use is heuristic. It serves to bring out dimensions of social practice which would otherwise remain invisible, and hence to throw light on the more established standard cases. Were it not for the detailed record, we could easily misconstrue the tone of this form of hospitality and mistake unwelcome intruders for benevolent guests. More crucially, we would not have been able to question the link tying lords' defence to peasants' obligation to treat their lord as their guest. We would be taken in by the invisible work of representation undertaken by the historical actors, instead of making the management of meaning itself our object of study.

This failed attempt to establish links between entitlements to services as parts of a *quid pro quo* relation throws light on more common, successful attempts, which by their very nature tend to efface their own traces. If the analysis offered here proves valid, we shall no longer be able to cite extracts of local records which mention the reciprocal obligations of lords and peasants as straightforward evidence for widespread belief among historical actors that such obligations were indeed "based" on ties of reciprocity. Nor could such statements support the notion that lordship itself was conceived to a significant extent as based in a vision of reciprocal relations between lords and peasants. Reciprocity would turn from a fundamental norm to a disputable construct located within shifting fields of power. Our attention may hence shift from mapping and classifying such constructs — the combined and contradictory outcomes of opposed social strategies — to reconstructing the work of representation involved in their making. Instead of searching for satisfying — but eventually illusory — order on the level of the 'facts' of rural lordship, we might shift our attention to the underlying models and forces at work, to the logic of the processes involved in the making of facts. We could then perhaps explore the circumstances under which such fragile constructs could take hold and become part of taken-for-granted reality: from precarious and visible constructs to solid yet transparent links.