The historiography of Lehnrecht and Lehnswesen

In 1994 I published a book called Fiefs and Vassals in which I argued that the modern idea of feudalism or Lehnswesen in England, France, Germany, and Italy was derived from medieval academic treatises, with a dash of medieval romance, rather than from medieval law in practice. Unsurprisingly it received mixed reviews, with most rejecting this attack on a central aspect of medieval history. In 2010, however, Jürgen Dendorfer and Roman Deutinger published a collection of essays to respond to what Professor Deutinger called my Weckruf. Other German-language work has also taken up the subject, which has been encouraging and has produced fine work even if a good deal of it has resumed the study of Lehnswesen rather than questioned whether the word represents something that helps us understand medieval society. Having already written articles about the historiography of French and English feudalism, I now turn to the kingdom of Germany. I shall argue that modern ideas of Lehnswesen can only be understood by tracing the way that they started from a brief conjectural history of feuda given in the early twelfth-century compilation known as the Consuetudines Feudorum or Libri Feudorum. They were developed by legal historians of the seventeenth and eighteenth centuries, the great works of Roth, Waitz, and Brunner, and finally the syntheses of Mitteis and Ganshof. Much as we owe all these, I end by asking how far a conglomeration of ideas from eight centuries is confounded by a confusion, discussed by Ruth Schmidt-Wiegand in another context, of words, the various notions they convey to different people at different times, and the actual phenomena (like rights in property or political and social relationships) that they seem to represent.

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Moderation: Walter Pohl