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Book Review: Lords' Rights and Peasant Stories: Writing and the Formation of Tradition in the Later Middle Ages

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Simon Teuscher, *Lords' Rights and Peasant Stories: Writing and the Formation of Tradition in the Later Middle Ages*. Translated by Philip Grace (The Middle Ages Series) (Philadelphia: University of Pennsylvania Press, 2012). 291pp. \$69.95. ISBN: 978-0-8122-4368-0.

In the mid-nineteenth century, Jacob Grimm (he of fairytale fame) published a collection of medieval records of local law – the *Weistümer*. As with the *Märchen*, or fairytales, Grimm assumed that the *Weistümer* had been handed down orally prior to their transcription. He buttressed his claim from the introductory passages of the *Weistümer*, which required the peasants to memorize the laws and report on them from memory (the *Kundschaften*, or disposition records). Simon Teuscher's work (originally published as *Erzähltes Recht, Lokale Herrschaft, Verschriftlichung und Traditionsbildung im Spätmittelalter*, 2007), examines the process by which law and the rights of lordship were codified and put into writing between the thirteenth and fifteenth centuries in the Swiss midlands (bounded by Lake Geneva in the west, Zürich in the east, the Jura ranges to the north, and the Alpine foothills to the south). He discusses at length the relation between oral tradition and written law in medieval Switzerland, acknowledges Germanic historiography on the topic, and, perhaps unintentionally, provides commentary on the state of Grimm scholarship.

Teuscher wants to correct the misconception that learned (and written) law displaced legal (oral) custom. This is most certainly not the case; it is more correct to say that learned law developed organically from legal custom, and Teuscher demonstrates this process with regard to the rights and prerogatives of Lordship. He contends that the understanding of local law did not change because it was being recorded; rather, legal regulations were derived from oral traditions, which were understood as unalterable (perhaps because they could trace their origins back to earlier times, when oral traditions serve as codified law).

Teuscher poses three questions: How should we understand the unwritten law of the Middle Ages? How did less literate societies organize themselves during this period? And, how did these societies change as a result of legal textualization? He answers these questions by discussing the development of the *Weistümer* and *Kundschaften* (chapter 1), how the law was debated and implemented at the local level (chapter 2), the development of the *Kundschaften* (chapter 3), and how the documents

were put to use (chapter 5). As the backdrop for his argument, Teuscher asks his readers to consider the development of medieval institutions. As multi-tiered systems of officials developed, these individuals felt the need to document their respective rights of lordship. As territorial power grew, so did the need to integrate scattered oral legal orders into universally valid laws.

Lords' Rights and Peasant Stories represents solid historical scholarship, yet Teuscher's narrative and Grace's translation are accessible to non-specialists interested in medieval Swiss history. Linguists researching the transition from oral to written artifacts in medieval Europe will also find much value in the book.

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