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ARTICLE

Putting the Violence Back in the Late Medieval German Feud

Tristan W. Sharp

Division of the Social Sciences, Department of History, University of Chicago, Chicago, IL, USA
Email: tsharp2@uchicago.edu

Abstract

This paper explains how a sanitized image of the late medieval German feud has come to predominate in contemporary German scholarship and explores its consequences for understanding the social implications of feuding violence. By tracing out the reception of Otto Brunner's seminal *Land and Lordship* (1939) in post-WWII German feud research, this paper shows how a complex interplay between democratic-liberal sensibilities, Brunner's feud as legal institution model, and his own historical vision of violence resulted in the sanitized model of feuding violence. This model divides feuding violence into categories of rational–functional violence and dysfunctional violence, which, as this article argues, do not map onto the empirical evidence for feuding violence. A series of case studies elucidates the limitations of this model, providing a de-sanitized and de-domesticated image of feuding by vividly demonstrating some overlooked realities of feuding violence: from high rates of interpersonal violence between elites to sexual violence against female non-combatants among others. On the basis of these case studies, this article argues for a fundamental revision of how medieval historians have hitherto approached the topic of violence more broadly.

Keywords: Otto Brunner; late medieval German feud; violence

The topic of violence in its own right has found little resonance in modern scholarship on the late medieval German feud until only quite recently. Despite this apparent neglect, a specific conceptualization of feuding violence has, like an unnoticed leitmotif, silently shaped the trajectory of German scholarship in the wake of Otto Brunner's pathbreaking *Land and Lordship* (hereafter *L&L*).[1] In many ways, it closely mirrored the structuralist–functionalist approach toward conflict adopted by Anglo-American medievalists from social anthropology. Indeed, a *roter Faden* runs through both historiographies with their emphasis on feuding violence's circumscribed nature, purposive-rationality, and functionality. However, there are also important distinctions; foremost among them is how German historians, despite embracing a "rationalist" paradigm of conflict, conceptualize the feud as an explicitly constitutional and legal institution—a legacy of Brunner's treatment of the late medieval feud in *L&L*.[2] While Brunner did not exactly set the tone for treating the late medieval German feud as a legal institution, the way that he revealed its "constitutionally creative role" was—for twentieth-century historiography—Copernican.[3] While previous historians had recognized the very real

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[1]Otto Brunner, *Land and Lordship: Structures of Governance in Medieval Austria*, trans. Howard Kaminsky and James Van Horn Melton (Philadelphia, 1992); idem, *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs im Mittelalter*, 4th ed. (Wiesbaden, 1959). First published in 1939, *Land and Lordship* went through two more editions (1942, 1943) before reaching its final version in 1959.

[2]For a treatment of anthropological models of conflict in the German research traditions, see Steffen Patzold, *Konflikte im Kloster. Studien zu Auseinandersetzungen in monastischen Gemeinschaften des ottonisch-salischen Reichs* (Husum, 2000), 20–51; Florian Dirks, *Konfliktaustragung im norddeutschen Raum des 14. und 15. Jahrhunderts. Untersuchungen zu Fehdewesen und Tagfahrt* (Göttingen, 2015), 21–38.

[3]The *Reichspublizisten* long recognized the feud as an institution integral to the medieval Holy Roman Empire, while early proponents of *Landesgeschichte*, like Justus Möser (1720–94), described the feud as running parallel to a legal process: "the

conventions of violent conflict that medieval Germans recognized, none had gone so far as Brunner to take the conventions of the feud as a starting point for an architectonic revision of late medieval political life.[4] The reception of this interpretive framework established by Brunner would lead subsequent historians to take the formality of the late medieval German feud's violence as one of its most distinguishing features.[5] This stance finds its most limpid articulation in Christine Reinle's comparison of the late medieval German feud with the aristocratic conflicts of the fifteenth-century English gentry. In this respect, the integration of the feud into the German legal system seems to have produced a *domestication* of feuds through rules and norms of conduct, which emerged through the territorial peace movement; by contrast, English "feuds" remained bound to a gruesome logic of vengeance.[6] The violence in the German feud has thus acquired the patina of domesticated civility, almost reducing it to a sanitized *bellicosum ludum* (warlike game). Put simply, the violence has been taken out of the feud.

In this article, I aim to bring it back. First, I clarify the genesis of this approach to feuding violence by starting with the *locus classicus* of the late medieval German feud in Brunner's *L&L*. Then, I elucidate how the post-World War II reception of Brunner resulted in a domesticated and sanitized image of the late medieval feud; I address some of the most prominent criticisms of Brunner's legacy and explain what is at stake in the concept of the feud itself. Finally, I examine specific instances of feuding violence that challenge the domesticated vision of the late medieval feud. To this end, I draw upon material from the Regenstein-Halberstadt Feud (1336–49), Saint Vitalis Feud (1378–79), and Soest Town Feud (1444–49).

Brunner envisioned the feud as the key to unlocking "the inner coherence of politics and the state and of power and right in the Middle Ages."[7] That is to say, only by explaining the feud could historians begin to understand the particular qualities of the medieval constitution (*Verfassung*: "the total condition of political unity and order") in a way that scholars had hitherto failed to do.[8] Medieval political structures had been unwittingly transformed into deficient versions of the bourgeois liberal state by assuming that the separation of state and society, distinctions between public and private, and external and internal sovereignty were operative in the medieval constitution. Unsurprisingly, the feud was reduced here to a primitive law of the fist (*Faustrecht*)—an anarchic revel of aristocratic robbery, murder, and destruction resulting from the medieval absence of the institutions of modern governance.

Behind the seemingly anarchic violence of the feud was, as Brunner argued, a deeper form of order. Foremost, the system of the feud (*Fehdewesen*) provided a legal framework through which members of the late medieval empire's political community could licitly initiate, pursue, and settle conflicts over the defense and enforcement of rights through armed force.[9] A just feud was initiated when a party put forth a justiciable claim—say, a dispute over rights to the revenue of a toll or court before his opponent. In an ideal case, the plaintiff would have already attempted to obtain redress at a court of law, but often not as feuds were conducted as complementary to a legal process. The most crucial part was that the plaintiff honorably informed his opponent of impending hostilities through a public declaration of enmity (*Fehdebrief*, *Absage*, *diffidatio*) by letter or herald, preferably three days in advance. After this declaration of hostility, the use of armed force was permissible, yet only within certain bounds derived from a consensus-based body of customary law. The aims of feuding violence were above all to distress

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force of arms decided the feud (*urlog*) as the judge decides upon legal judgment." Justus Möser, *Sämmtliche Werke*, vol. 1: Patriotische Phantasien, pt. 1., eds. Johanne W. J. M. von Voigt, Bernhard R. Abeken (Berlin, 1842), 400. Brunner quoted approvingly from Möser "von dem Faustrecht/der hohe Style der Kunst unter den Deutschen" in the 3rd edition of *Land and Lordship*.

[4]Howard Kaminsky, "The Noble Feud in the Later Middle Ages," *Past and Present* 177 (2002): 58.

[5]Jeppe B. Netterstrøm, "Introduction: The Study of Feud in Medieval and Early Modern History," in *Feud in Medieval and Early Modern Europe*, eds. J. B. Netterstrøm and Bjørn Poulsen (Aarhus, 2007), 64–65.

[6]Christine Reinle, "'Fehde' und gewaltsame Selbsthilfe in England und im römisch-deutschen Reich," in *Akten des 36. Deutschen Rechtshistorikertages: Halle an der Saale, 10.–14. September 2006*, eds. Rolf Lieberwirth and Heiner Lück (Baden-Baden, 2007), 131.

[7]Brunner, 108.

[8]Ibid., 95, quoting Carl Schmitt, *Constitutional Theory* (1928), 3.

[9]Brunner, 1–94.

an opponent through the devastation (*Schadentrachten*) of his economic base by plunder, arson, and kidnapping of his dependents. Feuders restricted their devastation mainly to economic targets, preferring plunder and pillage, the imposition of tribute, or the capturing and ransoming of an opponent's peasantry, while simultaneously avoiding killing their opponents in the skirmishes and melees accompanying many feuds.[10] A feud was usually concluded when one or both parties felt compelled to negotiate, often at the behest of a third-party mediator, usually a noble or prelate of high rank, who arbitrated the settlement (*Schiedsgericht*) to restore peace (a *Sühne* or reconciliation).

In this sense, the law of the feud (*Fehderecht*) functioned somewhat like the modern law of war among nation-states for the congeries of lordships constituting a polity where modern notions of sovereignty had no place. It explained how lordships could conduct their own political actions within as well as outside of their territories, against one another and even the superior authorities of prince, king, and emperor without the late medieval polity simply collapsing in on itself.[11] And it was through the legitimate force of the feud that the associations of lordships and their prince constituting the political community not only upheld a form of transcendent justice (*Recht*) but also secured peace within or outside of this community against those who had infringed upon their rights or those of their subjects.[12]

While Brunner may have destigmatized the feud as "socially recognized legal remedy," he also established the preconditions for a paradigm in which the feud's most distinguishing feature became the formality and circumscribed nature of its violence.[13] In order for the feud to fulfill its constitutional role as the judicial mechanism par excellence for resolving conflicts by force, its violence had to be subject to a "domestication"; only by possessing a formalized and restrained character could the feud avoid the excessive destruction, social dislocation, and, most importantly, the loss of human life that would have otherwise illegitimated it as a force of dysfunctional "disorder." This conception of the feud as an eminently rules-based and circumscribed form of vindicatory violence may be best appreciated by a definition representing the reigning *communis opinio*; the late medieval German feud, as Reinle defines it, was,

> a violent yet rule-bound form of self-help. If a legal basis was put forward, the feud was deemed to be a legitimate form of conflict resolution. In an ideal case, the feud was conducted as subsidiary to the legal process, however, in practice it was often complementary to it. The aim in waging a feud was to harm the opponent's possessions and dependents as a means of compelling him to negotiate over a contested legal issue, but not to kill him.[14]

Feuding violence has consequently been understood as having an inbuilt self-limiting nature. Medieval historians have by and large gone looking for feuding violence that fits this profile—creative, ordering, and functional—while finding ways to discount violence that this profile cannot assimilate so easily.

Here is where the "dichotomous register" comes into play as a heuristic for separating feuding violence into two categories.[15] The first is a category of violence that fulfills a purposive-rationality (locative violence), while the second is one defined by its dysfunctional or irrational aspects (autotelic violence).[16] Translated into a late medieval German framework, violence escalates, becoming

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[10]Ibid., 68–69. To Brunner's credit, he does recognize that these norms were not always adhered to and that killing was not uncommon.

[11]Ibid., 14, 24–25.

[12]Ibid., 92.

[13]Hans-Henning Kortüm and Dona Geyer, "'I Got Through Those Times Well': Otto Brunner and National Socialism," *German Yearbook of Contemporary History*, 5 (2021): 97.

[14]Christine Reinle, "Bauerngewalt und Macht der Herren. Bauernfehden zwischen Gewohnheitsrecht und Verbot," in *Gewalt im Mittelalter: Realitäten – Imaginationen*, eds. Manuel Braun and Cornelia Herberichs (Munich, 2005), 105f; idem, "Fehde," *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 1, eds. Albrecht Cordes et al., 2nd ed. (Berlin, 2008), col. 1515–25.

[15]Steffen Krieb, "Wie gewalttätig war die spätmittelalterliche Fehdeführung? Zum Wandel der Handlungsmuster gewaltsamen Konfliktaustrags um 1500," in *Konzepte und Funktionen der Gewalt im Mittelalter*, ed. Claudia Garnier (Münster, 2021), 99–128. Krieb draws upon the interpretive framework developed by Jan Philipp Reemtsma in *Trust and Violence: An Essay on a Modern Relationship*, trans. Dominic Bonfiglio (Princeton, 2012).

[16]Reemtsma, 55–65.

dysfunctional only at the end of the fifteenth century, when the traditional norms regulating the feud started to crumble in the face of its criminalization by urban and princely authorities.[17] These norms were established through the territorial peace movement of the eleventh and twelfth centuries, which at imperial initiative formalized preexisting customary norms into a recognizable law of the feud. By the fourteenth and fifteenth centuries, these norms were expressed in a variety of written legal mediums ranging from territorial peace agreements, urban statutory law, and territorial law codes to imperial legislation (e.g., the Golden Bull).[18] The feud consequently attained its own body of law, a *Fehderecht*, which established the parameters of honorable behavior and acceptable violence.

In this manner, feuding violence corresponds to the norms and customs constituting the feud's legal character. The feud retained its functionality as a means to impel settlement as long as it retained its legal status within the late medieval imperial "constitution."[19] Thus, once the feud began to suffer a diminution of its former legal status at the end of the fifteenth century, it gradually yielded from functional (i.e., fulfilling a purposive-rationality) to non-functional forms of violence. Feuders reacted to princely and urban criminalization measures by violating customary conventions around violence, begetting a dysfunctional spiral as either side escalated the levels of violence.[20] This form of argument is questionable on three grounds. First, it depends almost exclusively on late fifteenth- and early sixteenth-century feuds between the imperial city of Nuremberg and the lower nobility of Franconia.[21] Second, it does not consider a body of earlier material that highlights the prevalence of such "dysfunctional" violence as far back as the fourteenth century. Third, it overlooks convincing evidence that the feud continued to flourish well into the seventeenth century despite its formal "abolishment" in the *Eternal Peace* of 1495 and in the *Carolina* (1532).[22]

While the last three decades have witnessed mounting criticism of Brunner and his legacy, scholars have not adequately grasped how this heuristic has defined the contemporary approach to feuding. This is partly due to how much of the reception literature has been devoted to ferreting out Brunner's corpus's political and ideological underpinnings; it "has," as Reinhard Blänkner wryly noted, "assumed the character of a polemical war of opinions rather than an attempt to assess the subject in a scholarly manner."[23] Still, it is a polemically charged minefield that must be crossed over, since much of this polemicizing still offers a number of cogent criticisms of Brunner's methodological framework. Brunner's *völkisch* and then National Socialist political engagement are a matter of public scholarly record, having been extensively treated for some decades.[24] Brunner never hid his commitments either; his 1939 research program firmly declares that "the objects of our historical research today are neither the state, nor culture, but rather 'Volk' and 'Reich,'" while a quick perusal of the

[17]Krieb, "Wie gewalttätig war die spätmittelalterliche Fehdeführung?," 118–21.

[18]Mattias G. Fischer, *Reichsreform und "Ewiger Landfrieden": Über die Entwicklung des Fehderechts im 15. Jahrhundert bis zum absoluten Fehdeverbot von 1495* (Aalen, 2007), 3–4, 58–65.

[19]Reinle, "Fehde und Fehdebekämpfung am Ende des Mittelalters: Überlegungen zum Auseinandertreten von 'Frieden' und 'Recht' in der politischen Praxis zu Beginn des 16. Jahrhunderts am Beispiel der Absberg-Fehde," *Zeitschrift für Historische Forschung* 30, no. 3 (2003): 375–82, 387.

[20]Krieb, 99–128.

[21]Krieb, 115f; Reinle, "Fehde und Fehdebekämpfung am Ende des Mittelalters," 385.

[22]Stuart Carroll, *Enmity and Violence in Early Modern Europe* (New York, 2023), 145–266.

[23]Reinhard Blänkner, "Otto Brunner (1898–1982)," in *Österreichische Historiker. Lebensläufe und Karrieren 1900–1945*, vol. 3, ed. Karel Hruza (Cologne, 2019), 439–77, quote at 440.

[24]Anne C. Nagel, *Im Schatten des Dritten Reichs: Mittelalterforschung in der Bundesrepublik Deutschland; 1945–1970* (Göttingen, 2005); Helmut Quaritsch, "Otto Brunner—Werk und Wirkungen," *Staat und Recht: Festschrift für Günther Winkler*, eds. Herbert Haller et al. (Vienna, 1997), 825–53; Otto G. Oexle, "Sozialgeschichte-Begriffsgeschichte-Wissenschaftsgeschichte. Anmerkungen zum Werk Otto Brunners," *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 71, no. 3 (1984): 305–41; idem, "Leitbegriffe - Deutungsmuster - Paradigmenkämpfe. Über Vorstellungen vom 'Neuen Europa' in Deutschland 1944," in *Nationalsozialismus in den Kulturwissenschaften*, vol. 2: Leitbegriffe, Deutungsmuster, Paradigmenkämpfe. - Erfahrungen und Transformationen im Exil, eds. Otto G. Oexle and Hartmut Lehmann (Göttingen, 2004), 13–40; James Van Horn Melton, "From Folk History to Structural History: Otto Brunner (1898–1982) and the Radical-Conservative Roots of German Social History," in *Paths of Continuity: Central European Historiography from the 1930s to the 1950s*, eds. Hartmut Lehmann and James Van Horn Melton (New York, 1994), 263–92; idem, "Otto Brunner and the Ideological Origins of Begriffsgeschichte," in *The Meaning of Historical Terms and Concepts: New Studies on Begriffsgeschichte*, eds. Hartmut Lehmann and Melvin Richter (Washington, D.C., 1996), 21–33.

first three editions of *L&L* yields similar exhortations.[25] Postwar editions of *L&L* did of course rework certain passages in light of the new political realities of the democratic *Bundesrepublik*, replacing the language of *Volksgeschichte* with that of *Strukturgeschichte*.[26] Altogether more contentious is the extent to which these commitments molded Brunner's *Denkstil* (style of thought) and compromised the scholarly merit of his magnum opus, the treatment of the feud therein, and even subsequent post-World War II scholarship.[27] Given the remit of this current study, I cannot adequately address how Brunner's profound antiliberalism exerted a decisive influence on how he articulated the concept of the feud, along with those of lordship (*Herrschaft*) and territory (*Land*), as essential to "the inner structure" of the medieval world. My view on this matter may be best expressed in the words of Reinhart Koselleck: "politically conditioned scholarly interests can lead to theoretically and methodologically novel insights that outlast their initial situation."[28]

For this article, I focus on only two of the foremost critics of Brunner, Gadi Algazi and Hans-Henning Körtum.[29] Algazi launched the first frontal assault against the central categories of Brunner's constitutional point of departure in his controversial *Herrengewalt und Gewalt der Herren im späten Mittelalter. Herrschaft, Gegenseitigkeit und Sprachgebrauch* (1998). Contra Brunner, the feud functioned not as a vehicle for the enforcement of justice and political action, but rather as an uncoordinated class warfare of noble against peasant. Through the omnipresent potential of lordly violence in the feud, warring lords sustained a rural social order of lordly domination and peasant subordination. Shorn of its constitutional façade, the feud, per Algazi, reveals itself as a form of rural terrorism; the semi-ritualized ravaging of an opponent's peasants reinscribed the peasantry's inferior status vis-à-vis the nobility by continually reproducing the former's need for lordly protection, which resembled less the principles of mutual obligations and reciprocity than the protection rackets of organized crime. Despite generating a flurry of controversy, Algazi's critical revision of Brunner's central concepts, the feud and lordship, left only a slight impression on the field. Körtum has been one of the few German scholars who has pursued Algazi's line of critique by excavating deeper into the ideological underpinnings of Brunner's scholarly oeuvre and subjecting its fundamental patterns of thought and categories to further critique.

My reading of both scholars has deeply enriched my own critical engagement with Brunner and the German tradition of feud research. In fact, I have come to strongly agree with many of their conclusions. A tradition of constitutional history has undeniably conditioned generations of German medievalists studying the feud to privilege institutional norms over concrete social practice.[30] Furthermore, this lack of attention to social practice has meant that historians rarely take up the feud's role in reproducing social structures and the highly destructive nature of its violence as an object of study. Where I part ways with Algazi and Körtum's critical perspective is their claim that Brunner's concept of the feud was intended to rehabilitate political violence, thereby rendering it not only unfit for scholarly use but also politically hazardous for contemporary liberal-democratic societies. One of the most

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[25]Brunner, "Moderner Verfassungsbegriff und mittelalterliche Verfassungsgeschichte," *MIÖG* 14 (1939): 513–28, quote at 516.

[26]A most accessible discussion on this subject may be found in Kaminsky and Van Horn Melton, "Translators' Introduction" in *Land and Lordship*, xiii–lxi.

[27]The starting point for this discussion remains Oexle, "Sozialgeschichte-Begriffsgeschichte-Wissenschaftsgeschichte."

[28]Reinhart Koselleck, "Sozialgeschichte und Begriffsgeschichte," in *Begriffsgeschichten: Studien zur Semantik und Pragmatik der politischen und sozialen Sprache* (Frankfurt, 2006), 12, ft. 4.

[29]Gadi Algazi, *Herrengewalt und Gewalt der Herren im späten Mittelalter. Herrschaft, Gegenseitigkeit und Sprachgebrauch* (New York, 1996); idem, "Otto Brunner—'konkrete Ordnung' und Sprache der Zeit," in *Geschichtsschreibung als Legitimationswissenschaft 1918–1945*, ed. Peter Schöttler (Frankfurt, 1997), 166–203; idem, "Pruning Peasants: Private War and Maintaining the Lords' Peace in Late Medieval Germany," in *Medieval Transformations: Texts, Power and Gifts in Context*, eds. Esther Cohen and Mayke de Jong (Boston, 2000), 245–74; Kortüm, "'Wissenschaft im Doppelpaß'?: Carl Schmitt, Otto Brunner und die Konstruktion der Fehde," *Historische Zeitschrift* 282, no. 1 (2006): 585–618; idem "'Gut durch die Zeiten gekommen' Otto Brunner und der Nationalsozialismus," *Vierteljahrshefte für Zeitgeschichte* 66, no. 1 (2018): 117–60.

[30]Other contributors to this special issue also emphasize this tendency in the German language scholarship. See especially the articles by Christina Lutter, Herbert Krammer, Alexandra Kaar, and Jonathan Lyon.

obvious rebuttals to the first claim lies in Weimar politics itself. During the Weimar era, political vio-lence was in little need of rehabilitation; a generation of men translated their experiences of World War I into forms of right- and left-wing politics, where violence was openly espoused, practiced as a matter of course, and often sanctioned by state institutions well before 1933.[31] Second, Algazi advances an argument by association. Brunner, he points out, was heavily influenced by Carl Schmitt's "concrete-order-thinking" in his recasting of the feud as an institution central to the late medieval German "*Verfassung*."[32] This "Schmittian" association, according to Algazi, reveals the Brunnerian feud to be a mirror image of the National Socialist political rehabilitation of violence in a medieval guise.[33] This line of reasoning is unfortunate; when Algazi reduces Brunner's decoding of the under-lying rationality of the feud's—to us moderns—arbitrary violence to a National Socialist inspired mys-tification of feuding violence's reality, he weakens his otherwise cogent criticisms. Indeed, Algazi does not stand alone with his insight that Brunner's "thesis of the legality of the feud reproduces the juristic bias of his legal positivist opponents and distracts from its role as a social practice."[34] Other less polem-ically inclined historians have come to similar conclusions, yet few call for an outright rejection of the feud concept.[35]

Körtum takes this step. By following Algazi's line of interpretation, he argues for a replacement of the term feud (*Fehde*) with that of private war (*guerre privée*).[36] By making recourse to Hobsbawm's idea of invented tradition, Körtum accuses Brunner of conjuring up a conception of warfare in the feud that distorts the medieval recognition of public and private forms of warfare.[37] This argument proves unconvincing on two points. First, contemporary late medieval and early modern German explicitly use the term *Fehde* along with similar analogs (*Krieg, Urlog, Befehdung*, etc.) to describe a form of vin-dicatory violence that matches Brunner's definition in *L&L*. Second, the sources that Körtum cites in favor of the private–public distinction bear little to no relevance to how the customary right to vindi-catory violence was practiced in the empire's German-speaking lands. Transposing texts like the can-onistic works of Burchard of Worms and Ivo of Chartres or Frederick II's *Liber Augustalis*, which do indeed employ the language of *privatus* and *publicus*, onto the legal landscape of late medieval Germany borders on the anachronistic.[38] Even those late medieval German texts on the feud com-posed by clerics display a much more complex and nuanced interplay between Romano-Canonical theories of just war, custom, the political and military realities faced by feuders, and the responsibilities of confessors for these laymen's souls.[39] Finally, the term private war (*guerre privée*), a staple of French historiography, has also come under severe criticism of late. A prime example is the recent work of Jean-Philippe Juchs.[40] Juchs not only convincingly argues for the term's early modern provenance but also suggests its replacement with the Old French *faide*, since the French customary aristocratic right to levy war strongly resembles the German *Fehde*. Körtum, however, does seize upon an impor-tant, if only partially correct, reason for the continuing vitality of a sanitized version of the feud amongst modern German-speaking medievalists:

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[31]Dirk Schumann, *Politische Gewalt in der Weimarer Republik, 1918–1933: Kampf um die Strasse und Furcht vor dem Bürgerkrieg* (Essen, 2001); Mark Jones, *Founding Weimar: Violence and the German Revolution of 1918–1919* (New York, 2016).

[32]Algazi, "Otto Brunner – 'konkrete Ordnung' und Sprache der Zeit," 6.

[33]Ibid., 6–10, 10–17.

[34]Ibid., 9.

[35]Ekkehard Kaufmann, "Fehde," in *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 1, eds. Adalbert Erler and Ekkehard Kaufmann (Berlin, 1971), col. 1083–93, here at 1093: "the modern depictions (of the feud), which above all else emphasizes its legal character, overshoots their mark just as the older (models) overemphasized the violence of the knightly brigandage."

[36]Körtum, "Wissenschaft im Doppelpaß?," 609–10.

[37]Ibid., 613, 615.

[38]Ibid., 610–13.

[39]Hiram Kümper, "Der gerechte Krieg vor der Haustür: Die Legitimation von Fehdehandlungen in einer Bußschrift des 15. Jahrhunderts," *Zeitschrift für Geschichtswissenschaft* 56 (2008): 987–1004; Reinle, "Der Traktat 'De iusto bello' des Heinrich von Gorkum," in *Das Recht in die eigene Hand nehmen? Rechtliche, soziale und theologische Diskurse über Selbstjustiz und Rache*, eds. Christine Reinle and Anna-Lena Wendel (Baden-Baden, 2021), 205–40.

[40]Jean-Philippe Juchs, *Des Guerres Que Aucuns Nobles Font Entre Eulx: La Faide a la Fin Du Moyen Age* (Paris, 2021).

After the Second World War, personal honor and private violence no longer played an important role in Germany's democratic society. The concept of the feud (*Fehde*), the darling of many medievalists, offers the opportunity for an innocuous rehabilitation of violence and war. Both (violence and war) lose the reek of the obscene and horrific; the obscene, since a feud is merely a matter of restoring injured propriety, and the horrific, since violence and war, it seems, can be controlled and domesticated by the feud's rule-bound nature.[41]

This domesticated version of the feud was in my own estimation not Brunner's intention. Furthermore, it has absolutely nothing to do with a rehabilitation of violence but rather with how post-1945 German-speaking historians struggled to cope with the vision that underlies Brunner's insight into the nature of premodern violence. It is a certain vision of violence. Brunner introduced in his analysis of the feud, as Alexander Patschovsky incisively noted, a vision of violence "in which conflict is not a dysfunctional factor and peace not necessarily the foundation of human historical progress."[42]

While the late medieval feud has become an essential category in the conceptual repertoire of German medieval scholarship, this vision of violence has by contrast proven incapable of being truly integrated into post-1945 German historiography. The reasons are self-evident, for it is a vision that upholds a profoundly antiliberal worldview where violence and conflict stand not as forces to be overcome but rather affirmed as an ineluctable element of historical human life. It is a vision, to draw upon the words of Ernst Jünger, where "as long as the cycling wheel of life turns in us, war will be the axle around which it whirrs."[43] To turn to the Anglo-American school of conflict and dispute studies, this vision may also be expressed as an ontology of conflict in which conflict does not in its essence disrupt but rather constitutes social order, as Georg Simmel articulated well over a century ago.[44] The ardent desire to sanitize the violence of the feud springs from this unresolvable tension, functioning as a mechanism to obscure and mystify the very wellspring from whence Brunner's insights flowed. By de-sanitizing the late medieval feud, we can take a step closer to reckoning with this unexplored part of the Brunnerian heritage.

This de-sanitization and de-domestication must begin with the evidence itself. To this end, I have tried to follow the lead of those scholars who have challenged the verities of the feud as legal instrument model.[45] That is to say, I simply attend to evidence that has been traditionally relegated to the margins, namely in the following feuds: the Regenstein-Halberstadt Feud (1336–49), Saint Vitalis Feud (1378–79), and Soest Town Feud (1444–49). The first feud centers on the prevalence of interpersonal violence among noble feuders, the motivations to engage in which sprung from more than purely legal grounds. The second and third feuds introduce a form of feuding violence that has never to my knowledge been taken up as a subject of study in its own right, namely martial rape and sexual violence. What is more, these two feuds highlight how noble feuders drew upon the very customary norms that allegedly kept feuding violence in check to justify this form of violence.

Before turning our attention to these feuds, I would like to emphasize certain commonalities evident in all of them, which may potentially be helpful in providing further contextualization. First, all of these feuds took place in the northern and central lands of the empire, zones that have been designated as "königsfern" (literally, far from the monarch) by Peter Moraw in order to designate "the territories of those great dynasties at rivalry with one another and the electorships not under royal control."[46]

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[41]Kortüm, "Wissenschaft im Doppelpaß?," 616.

[42]Alexander Patschovsky, "Fehde im Recht. Eine Problemsskizze," in *Ketzer, Juden, Antichrist: Gesammelte Aufsätze zum 60. Geburtstag von Alexander Patschovsky*, eds. Matthias Kaup et al. (Göttingen, 2001), 147.

[43]Ernst Jünger, *Der Kampf als inneres Erlebnis* (Berlin, 1927), 3–4.

[44]Georg Simmel, "The Sociology of Conflict: I," *American Journal of Sociology* 9 (1903): 490–525; Warren C. Brown and Peter Górecki, "What Conflict Means: The Making of Medieval Conflict Studies in the United States, 1970–2000," in *Conflict in Medieval Europe*, eds. W. C. Brown and P. Górecki (New York, 2013), 1–35, on Simmel's legacy 8–9.

[45]Thomas Marolf, *"Er was allenthalb im spil": Hans von Rechberg, das Fehdeunternehmertum und der Alte Zürichkrieg* (Menziken, 2006); Niklas Konzen, *Aller Welt Feind: Fehdenetzwerke um Hans von Rechberg († 1464) im Kontext der südwestdeutschen Territorienbildung* (Stuttgart, 2014).

[46]Peter Moraw, "Regionen und Reich im späten Mittelalter," in *Regionen und Föderalismus. 50 Jahre Rheinland-Pfalz,* ed. Michael Matheus (Stuttgart, 1997), 9–29, quote at 19.

Indeed, in every single one of these feuds a member of a princely family or a noble of princely status was a principal feuder on one side or the other. The Regenstein-Halberstadt Feud (1336–49) was a classic territorial conflict waged over the Harz region by two longstanding rivals, Count Albrecht II of Regenstein (1310–49) and Bishop Albrecht II of Halberstadt (1294–1358), who belonged to the Welf branch of Braunschweig-Lüneburg. Both the Saint Vitalis Feud and Soest Town Feud were conflicts over urban independence, in which towns sought to free themselves from the traditional authority of their hereditary lords, princes, or archbishops. In the case of the second feud, we see the prince abbot of Fulda, Berthold of Voelkerhausen, attempt to reassert his authority over the town of Hersfeld, while in the third we find the archbishop of Cologne, Dietrich II von Moers (r. 1414–63), engaged in the same endeavor with respect to the town of Soest. The stakes for all sides in these feuds were thus extraordinarily high, amounting to questions of political independence, territorial integrity, and life and death.

The Regenstein-Halberstadt Feud, as outlined above, consisted in a long spanning territorial struggle between two notable power holders of the region, Count Albrecht II of Regenstein and Bishop Albrecht II of Halberstadt.[47] It proved to have long-term political ramifications well into the fifteenth century for the eclipse of certain comital dynasties by episcopal power in the northeastern reaches of the Harz region. The later course of the feud was especially notable for its escalating level of violence. Up to the early 1340s, the feud had amounted to a struggle over the town of Quedlinburg and county of Falkenstein, in which Bishop Albrecht II could claim himself more or less the victor. Count Albrecht II responded to his opponent's success by directly attacking the seat of his power, his episcopal office, through supporting the machinations of a series of anti-bishops. With the stakes of the feud having clearly risen, so too did its intensity. And what started as a proxy war against the ecclesiastic supporters of their opponent soon escalated into an increasingly brutal game of tit-for-tat, in which both the count and bishop were more than willing to bloody their hands.

When several abbeys and nunneries remained loyal to his rival claimants, Bishop Albrecht II personally made expeditions to oversee their destruction and the imprisonment of the monks and nuns. An account recorded by the officials of the counts of Mansfeld tells of how the bishop himself set aflame the nunnery of Helstadt. According to the nuns, Bishop Albrecht exhorted his apparently less than willing brother and men to follow suit: "after they resisted carrying out the wicked deed as much as they dared, he proclaimed in a loud voice: 'follow me! come after me! you will do what I shall do.' Having picked up the torch, he set fire to the mill and granary by his own hands; then, he hurled the fire into the dormitory, where the nuns were accustomed to sleep."[48] The bishop's treatment of the counts' local lay allies, namely the imperial city of Nordhausen, was altogether more brutal. With the aid of his brother Bishop Heinrich III of Hildesheim he meted out a gruesome fate to those Nordhausen burghers who were unlucky enough to find themselves face to face with their men: "where they came across the townsmen of Nordhausen on the roads or fields, they struck them down, mutilated them, cut off their extremities, and truly inflicted great damage on them."[49]

The escalating violence reached its crescendo when Count Albrecht II raided Halberstadt on Christmas Eve of 1349 and was then soon after slain by one of his long-time enemies, Rudolf of Dorstad, an episcopal knight.[50] Such raids represented one of the most intense forms of violence that could transpire in a feud, with many aiming at the extermination of political rivals. This night

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[47]Carl von Schmidt-Phiseldeck, "Der Kampf um die Herrschaft in Harzgau während der ersten Hälfte des vierzehnten Jahrhunderts," *Zeitschrift des Harz-Vereins für Geschichte und Altertumskunde* 7 (1874): 312–13; Rudolf Steinhoff, *Geschichte der Graffschaft- bezw. des Fürstentums Blankenburg, der Graffschaft Regenstein und des Klosters Michaelstein* (Blankenburg, 1891), 61–67; Walter Schmidt-Ewald, *Die Entstehung des weltlichen Territoriums des Bistums Halberstadt* (Berlin, 1916), 61–70.

[48]*UB des Klosters der Grafschaft Mansfeld*, ed. Max Kruehne, Geschichtsquellen der Provinz Sachsen und des Freistaates Anhalt, vol. 20 (Halle, 1888), nr. 95, 179–81.

[49]Heinrich Bünting, *Braunschweig-Lüneburgische Chronik* (Magdeburg, 1584), 103–4.

[50]*Urkundenbuch des Klosters der Grafschaft Mansfeld*, nr. 95, 179–81; Bünting, 103–4; Detmar of Lübeck, "Detmar-chronik," in *Die Chroniken der niedersächsischen Städte Lübeck*, vol. 1, ed. Karl Koppmann, Chroniken der deutschen Städte 19 (Leipzig, 1884), 523; Herman Korner, "Nova Chronica" in *Corpus Historicum Medii Aevi*, vol. 2, ed. Georg Eccard (Leipzig, 1723), 1089–90.

raid proved no exception; the count and his allies approached the city while all the townsfolk were in their churches and silently broke through the walls.[51] After breaching the walls, the counts and their men split up into groups, one for each church, and burst in upon the unsuspecting burghers at worship. Catching their enemies unawares, they "took many captives, [and] killed even more," and then escaped back through the walls with their prisoners and plunder.[52]

The ensuing confrontation between Count Albrecht II and Rudolf of Dorstad also highlights the importance of aristocratic interpersonal violence in feuds. Our authorities on the event, the chroniclers Detmar of Lubeck (†1395) and Herman Korner (1365–1438), assure us that both men were already inveterate enemies of one another. Catching sight of his foe during the retreat, the count challenged Rudolf, saying that as soon as he had him in his grasp, he would string him up from a tree. Rudolf promised that he would do the same whenever the opportunity presented itself.[53] Although our authorities do not employ the specific vocabulary of "mortal enmity" (*mortalis inimicitia*, *Todtfeindschaft*), the count and Rudolf's mutual declaration to kill one another was manifest—that is, made publicly—clearly initiating a state of mortal enmity between them. Later the following year, Rudolf took up the count's challenge when he caught word that his enemy was riding with his retinue through the vicinity of the castle he was guarding. Catching the count unaware, Rudolf's men quickly routed the count's retinue. Encircled by enemies, he was cut down in a hail of sword strokes by none other than Rudolf. True to his word, Rudolf strung the dead count up by his neck. As there were no trees in the vicinity, Rudolf used his lance as makeshift gallows.[54]

Such violence, especially the mutilations, night raid, killing, and then ritual humiliation of the recently slain count, would easily fit into the dysfunctional category of feuding violence according to the model that has developed in the wake of Brunner. That is to say, these acts of violence go far beyond merely impelling a settlement. Nothing in our sources, however, indicates that this violence represented a "breakdown of norms" or was interpreted by contemporaries as the especially aberrant behavior of marginalized factions or individuals (compare to the feuds of Hans Thomas von Absberg).[55] True, the episcopal chronicler of the *Gesta Alberti II Episcopi Halberstadensis*, a certain Thymo, does distance the bishop from the killing;[56] however, the later retellings, most likely drawing on a different set of narratives, depict it as perfectly understandable within a framework where a kill-or-be-killed attitude was the norm. Enmity, although rarely conceived in these terms by historians, existed along a spectrum of intensities and was never a static state defined by strict chivalric conventions.[57] Generic enmity may have represented the state of hostilities perquisite for a feud; mortal enmity, by contrast, was something altogether more intense. The distinction between enmity and mortal enmity is more than a mere scholarly construct; it was recognized by medieval Germans (and Europeans in general) who employed these very terms, including *tôtvîntschaft*, *hauptveintschaft*, and *tôtvéhe*/*dôtvêde* or the Latin *inimicitia mortalis*/*sanguinis*. A 1371 territorial peace agreement for Mecklenburg-Vorpommern makes this distinction explicit, explaining how all cases of mortal enmity (*doitvede*) are excluded from its purview, while general feuds (*kryg*, *vede*) are not.[58] Friends of a certain Lambrecht von Sankt Arnoltzwilre, who had been slain by the townsmen of Cologne in 1459, swore that they had become Cologne's "mortal enemy" (*doitfiant*), promising to beset them with "murder, war, feuds, killings, and cutting and striking" (*mort, kriech, feden doitslain und zohouwen*).[59] This

[51]Detmar of Lübeck, "Detmar-chronik," 523; Korner, "Nova Chronica," 1089–90.

[52]Korner, "Nova Chronica," 1089–90.

[53]Detmar of Lübeck, 523; Korner, 1089–90.

[54]*Gesta Alberti II. Episcopi Halberstadensis*, ed. Georg Pertz, MGH Scriptores 23 (Hannover, 1874), 127; Korner, 1089–90; Detmar, 523.

[55]Reinle, "Fehden und Fehdebekämpfung am Ende des Mittelalters," 355–88.

[56]*Gesta Alberti* II, 127.

[57]Robert Bartlett, "'Mortal Enmities:' The Legal Aspect of Hostility in the Middle Ages," in *Feud, Violence, and Practice: Essays in Medieval Studies in Honor of Stephen D. White*, eds. Belle S. Tuten and Tracey L. Billado (Burlington, VT., 2010), 197–212; Claudia Gauvard, *"De Grace especial" crime, état et société en France à la fin du Moyen Age*, vol. 1 (Paris, 1991), 707–43. Rainer Zacharais, "Die Blutrache im deutschen Mittelalter," *Zeitschrift für deutsches Altertum und deutsche Literatur* 91 (1962): 171.

[58]*Mecklenburgisches Urkundenbuch*, vol. 18: 1371–1375 (Schwerin, 1897), nr. 10190, 44.

[59]Richard Pick, "Aus dem Aachener Stadtarchiv," *Zeitschrift des Aachener Geschichtsvereins* 9 (1887): 46, fn. 2.

was the exact type of violence that characterized the latter half of the Regenstein-Halberstadt Feud: up-close killing of enemies with a definite "personal" edge driven by deep-seated hatred, rancor, and animosity.

The Saint Vitalis Night Feud (1378–79) and Soest Town Feud (1444–49) highlight an understand-ably understudied and loathsome aspect of the late medieval feud, namely sexual violence and rape. While both feuds have been subject to numerous studies, no one has seized upon a stunning commonal-ity between them: the manner in which the princely feuders openly resorted to custom as justification for the sexual violence they inflicted against their enemies' women. The use of sexual violence as a practice sanctioned by custom strongly challenges the longstanding notion that custom and consensus-based norms domesticated feuding violence by restraining feuders' behavior. Both of these feuds invert this line of interpretation entirely. The first feud arose from the abbot of Fulda Berthold of Voelkerhausen's botched attempt to capture the town of Hersfeld during Sankt Vitalisnacht (28/29 April 1378).[60] The ensuing feud proved to be a particularly bitter and cruel one. Upon learning of the abbot's plan to capture the town, the townsmen burst into Fulda's cathedral chapter's quarter, ran-sacked the cathedral and prelates' houses, and captured any clergy they found within, holding them captive. The abbot's surprise attack at dawn was met by a shower of crossbow quarrels and then was promptly beaten back by armed townsmen on the walls. After a bout of legal wrangling to justify the subsequent feud proper, Abbot Berthold and his allies undertook a blockade of Hersfeld; its envi-rons were laid waste, the town itself was bombarded with primitive cannons, the suburbs were burnt down, and numerous atrocities were carried out by the abbot's men and allies against townspeople who were unlucky enough to fall into their grasp.[61] These atrocities are detailed in the contemporary doc-uments tendered by either side at the later imperial court proceedings and in the very well-informed Hersfeld Anonymous chronicler. He reports how townsmen or urban servitors were cut down, hung, drowned, and broken on the wheel, while any priests or monks suspected of siding with Hersfeld were castrated.[62] Captured townswomen were, according to the court depositions, brought before the town's walls, raped, stripped, and their clothes hung on the abbot's men's banner to mock and humiliate the townsmen.[63]

Surprisingly, the abbot denied none of this. Instead, he countered the townsmen's accusations by providing a legal justification for his men's rape and sexual violence. Since he had attained a formal legal ruling (at one of his own courts no less) to sanction his feud against the town, "if his men were to have done this, then they had done nothing wrong and were guilty of nothing."[64] They "were guilty of nothing," given that through the court ruling they had acquired "ownership" of the townsmen and dependents, that is, their women, or to cite the abbot's own words: "their (the towns-people's) lives and goods and all of their dependents have been awarded to us legally by the judgment of a court."[65] The very legality of the abbot's feud is itself deployed to justify these atrocities and acts of sexual violence, which not only calls into question the alleged role that customary legal norms played in curbing excessive violence, but also the sanitized image of feuding violence itself.

The Soest Town Feud provides further evidence for the prevalence of sexual violence and rape in feuds. It originated from Soest's successful attempts to secure its independence from its hereditary lord, the archbishop of Cologne, then the bellicose Dietrich II von Moers.[66] Besides the vast scale of the feud itself, which has attracted much scholarly attention, there is another aspect: acts of sexual

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[60] Heinrich Butte, *Stift und Stadt Hersfeld im 14. Jahrhundert mit einem Anhang, Die Stadt Hersfeld bis zum Beginn des 15. Jahrhunderts, und 14 Urkundenbeilagen* (Marburg, 1911), 63–75.

[61] Ibid., 68–69.

[62] "Anonym," in *Selecta iuris et historiarum tum anecdota tum iam edita, sed rariora*, vol. 3, ed. Heinrich C. von Senckenberg (Frankfurt, 1735), cc. 68, 392.

[63] *Nachtrichten und Urkunden zur Chronik von Hersfeld*, vol. 1, ed. Louis Demme (Hersfeld, 1891), nr. 45, 190.

[64] Ibid.

[65] Ibid.

[66] Heinz-Dieter Heimann, *Die Soester Fehde. Geschichte einer erstrittenen Stadtfreiheit* (Soest, 2003); idem, "Die Soester Fehde (1444–1449)," in *Das Herzogtum Westfalen*, vol.1: *Das kölnische Herzogtum Westfalen von den Anfängen der Kölner Herrschaft im südlichen Westfalen bis zur Säkularisation 1803*, ed. Harm Klueting (Münster, 2009), 321–42.

violence perpetrated by the archbishop's troops and allies, both noble and urban. I limit myself to one of the most conspicuous instances, a rather remarkable document issued by the archbishop's captain of cavalry, Lutter Quade. It was copied into the Soest *Kriegstagebuch* and bears the title, "A Warning to the Women of Soest." Given its content, it bears relating in full:

> I, Lutter Quade, inform you captains of the cavalry, master burners, mayors, town council, and the entire community of Soest, that I have heard how a few women are going out to gather the harvest and bring it back into the town; thus, I, having been commissioned and ordered, am obliged to act as one should with respect to the losses of my lord, the archbishop of Cologne, so that they do not increase, and since you are the enemy of my lord and his land and people, I warn you that you should keep your women within the town in order that they do not go out and bring in the harvest; if they do, they (will) be taken, captured, and raped as it is <u>customary</u> to inflict upon one's enemies; do not say or write that you have not been warned.[67]

Despite existing in an easily accessible, edited form for well over a hundred years, this document has attracted scarcely any serious scholarly attention. This fact is all the more surprising given that the inclusion of the clause "as it is customary" (*als gewontlich is*) provides very strong evidence against the restraining force of custom, both written and unwritten, on feuders' behavior. That is to say, the justification of sexual violence as custom completely overturns the conventional understanding of how custom, or the idea thereof, restrained concrete feuding practices, sexual violence and rape among them. We should also not overlook the more practical exigencies cited by Quade, namely that Soest's women were contributing to the war effort by bringing in the harvests and supplying the town with food, which in the eyes of the archbishop made them legitimate targets. Moreover, his warning was more than just an empty threat; the Soest *Kriegstagebuch* reports numerous incidences of rape and even relates how captured men were able to be identified, presumably by their victims, while other contemporary accounts, like the *Lippstadt Reimchronik*, also recount these acts of sexual violence in graphic detail.[68]

Dietrich II von Moers was not the only prince who utilized rape as a modality of feuding violence. Duke Heinrich the Younger of Braunschweig-Lüneburg also included threats of rape in the feud letters that he had sent to the city of Braunschweig at the outbreak of the Braunschweig Town Feud (1492–93).[69] The *Braunschweig Feud-Book* relates how Duke Heinrich and his father Heinrich the Elder faced a challenge identical to Archbishop Dietrich's: Braunschweig's women were continuing in their attempts to bring supplies into the besieged city. In response, the dukes threatened to have the women whom they caught gathering victuals raped and their noses and ears cut off. These were not empty threats, as the princes' men captured a group of women outside the city and "beat the women and girls, raped and dishonored them, and allegedly burnt some of them with gunpowder so that they died" afterward.[70]

The preceding examples have thrown into relief the serious limitations of the approach to violence that has come to characterize German feud studies. Clearly the persisting notion that the late medieval German feud was domesticated through the formalization of customary norms cannot be sustained when considering this afore treated evidence. On an empirical level alone, there is more than enough material for feuds being quite violent affairs, which included a significant loss of life and serious damage to the locales in which they were waged.[71] Moreover, the interplay between custom and praxis was

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[67]"Kriegstagebuch der Soester Fehde," in *Die chroniken der westfälischen und niederrheinischen Städte*, vol. 2: Soest (Leipzig, 1889), 41–42. Emphasis is mine.

[68]"Kriegstagebuch der Soester Fehde," 42–43, 50, 59, 91, 97–99, 105, 110, 113, 129, 143–44, 147, 151; "Lippstadt Reimchronik," in *Die chroniken der westfälischen und niederrheinischen Städte*, vol. 2: Soest, 229, 234–36.

[69]"Stadtfehde 1492–1493 nach der Wolfenbüttler Handschrift Helmstadt. 652" in *Die Chroniken der niedersächsischen Städte: Braunschweig*, vol. 3, 1 (Stuttgart, 1928), 107: https://leopard.tu-braunschweig.de/receive/dbbs_mods_00038465.

[70]Ibid.

[71]Tristan W. Sharp, "Wars, Feuds, and Enmities—The Violent State of Late Medieval Germany: 1350–1550" (PhD diss., University of Chicago, 2022), 79–139.

not a one-way street toward restraint but a far more complex relationship where custom could as easily unleash horrendous violence as restrain it. The heuristic model of functional versus dysfunctional violence has contributed to a tendency of historians to seek out feuding violence that conforms to this schema, while ignoring that which does not. Indeed, all of the instances of violence analyzed in this article belong to feuds that have been subject to studies since the middle of the nineteenth century. These are not obscure cases hidden away in archives. The legacy of Brunner is also strong here; the more sophisticated heuristic certainly represents an elaboration on his legal-constitutional point of departure, yet a methodological explanation does not entirely suffice. The sanitized image of the late medieval feud holds its appeal because it provides historians, especially German ones, with a version of their history wiped free of violence's disquieting features. The violence of the feud in this narrative is controllable, limited by legal and customary conventions, and rarely exceeds the scope and scale necessary for its specific function—a complement to legal proceedings. Violence loses its undeniable elemental qualities not amenable to the control and regularity that historians have sought to impose on it as a subject of study. The concept of the feud in its basic outlines is in little need of revision, but contemporary medieval historians' relationship to violence therein certainly is. Perhaps the time is nigh for historians to end their balking at Huizinga's famous precis of the violent tenor of late medieval life and embrace a vision of a world "so violent and motley . . . that it bore the mixed smell of blood and roses."[72]

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[72]Johan Huizinga, *The Waning of the Middle Ages*, trans. Frederick Hopman (New York, 1954), 27.