

## *Assimilation, Resistance, and Ethnic Group Formation in Medieval Poland: A European Paradigm?*

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### I.

Sometime in the year 1322, and again in the spring of 1325, a group of peasants travelled from their village of Dolany to Poznań, and complained that their lord, abbot of the Cistercian monastery at Łąd, was mistreating them. On both occasions, they brought their claim before the highest officials of the newly reunited Polish Kingdom – Peter Drogosławic, »judge of the Kingdom of Poland«, who heard the claim on behalf of Przybysław, palatine of Poznań and »captain« of the kingdom; and, three years later, the king himself, Władysław the Short. The palatine and king each recorded the claims and the verdicts in a charter. Both identified the claimants collectively as peasants (*kmetones*, or *kmiecie*) of Dolany, and as bondsmen (*ascriptitii*) of the monastery<sup>1</sup>.

The peasants asserted that »they were being aggrieved and compelled to unowed services by the lord abbot of that house«, and that the abbot was »undeservedly subjecting them to unaccustomed services and other injuries«<sup>2</sup>. King Władysław identified these »other injuries« as several circumstances relating to the appearance, in or near the village of Dolany, of a group of German settlers (*Theutonici*). The peasants had »asserted« before the king »that the abbot and brothers took away from them a portion of the ... inheritance

1) Kodeks dyplomatyczny Wielkopolski, ed. Ignacy ZAKRZEWSKI and Franciszek PIEKOSIŃSKI (Poznań 1877–1908), no. 1027 (1322), 2:362, and no. 1055 (1325), 2:384–385. Hereafter K. Wp., followed by the number of the document, the year in brackets, and the numbers of the volume and of the page. By the early fourteenth century, the *ascriptitii* were the basic term for unfree indigenous peasants in the Polish duchies – in counterpoint to the indigenous *liberi* – and, in addition, the word *ascriptitius*, was becoming replaced with a more uniform *kmeto* or *kmieć*. Therefore, by 1322 or 1325, *ascriptitius* and *kmieć* were equivalent as expressions for (essentially) unfree peasant status, as they indeed appear in the two documents. On the early history of the Polish *ascriptitii*, *liberi*, *kmetones*, and related issues, see Piotr GÓRECKI, *Economy, Society, and Lordship in Medieval Poland, 1100–1250*, New York 1992, p. 128–129, 140–141, 144, 154, 164, 166–177, 180–181, 186–187, 192 (n. 76).

2) K. Wp., no. 1027 (1322), 2:362 (*asserentes se serviciis non consuetis et aliis iniuriis indebite se gravari*); no. 1055 (1325), 2:384 (*per dominum abbatem ... iniuriis molestarentur et ad servicia indebita cogerentur*).

of Dolany ..., and settled it with Germans; and that they deprived them of [access to] the Warta [river] with the fishing rights«<sup>3)</sup>.

In 1322, and again in 1325, the peasants failed in both claims – that is, in the matter of unjust services, and of the circumstances relating to the Germans. In the earlier decision, the palatine grounded Judge Peter's and his own verdict in two norms which, in his view, mooted the peasants' allegations, while three years later, the king, »wishing to give them the fullness of justice«, actually considered these allegations, but refuted them on the basis of evidence. The palatine dismissed the claims »because [the plaintiffs] sought freedom from the servitude that is intrinsic to them, and because their legal claim was contrary to the common law of the land« – in other words, because they lacked standing to pursue this matter altogether<sup>4)</sup>. On the other hand, the king responded to these claims on the merits, by immediately inspecting several written records.

In regard to the first claim, Władysław »ordered that the foundation charter« of the monastery »be displayed before ourselves and our barons, and diligently examined«; noted that that charter contained a detailed schedule of payments and labor obligations to which »each« peasant of Dolany had been subject, ever since the foundation of the monastery in the twelfth century; incorporated that schedule into the narration of his own charter; and, in the disposition, identified that schedule, and its public ascertainment before himself, as the formal basis of his own verdict<sup>5)</sup>. Likewise, he dismissed the peasants' claims relating to the Germans on the basis of several charters: »The abbot demonstrated before us by his charters that the peasants never had any right to fish in the Warta, and that he had been allowed to establish a German village, with full [German] law by permission and grace of King Przemysł«<sup>6)</sup>. The palatine and the king strengthened their verdicts with additional provisions clarifying the the peasants' subjection to the monastery, and barring them from judicial recourse against the monastery in the future – so that, as Przybysław put it, »the judgments made by us may not be renewed in any way«<sup>7)</sup>.

3) Ibid., no. 1055 (1325), 2:384: *kmetones ... de Dolany ... conquesti fuerunt quod abbas ... et fratres sui alienassent ab eis partem hereditatis predictae de Dolany et eam Theutonicis collocassent ... et quod abstulissent ab eis Wartham cum piscationibus.*

4) Ibid., no. 1027 (1322), 2:362: *predictos kemetones iniustos invenimus tum quia libertatem a servitute eis innata querere nitebantur, tum quia eorum processus contra commune ius terre fuerat.*

5) Ibid., no. 1055 (1325), 2:384: *mandavimus privilegium fundationis coram nobis ac nostris baronibus presentari ac diligenter exponi in quo privilegio continebatur the schedule of obligations. Quibus cognitis mandavimus ... abbati ... ac eius successoribus ut predictos kmetones in eisdem servitiis ac tributis prenotatis conservare perpetuo debeant.*

6) Ibid.: *abbas coram nobis per sua privilegia sufficienter demonstravit quod kmetones in Warta nullum ius habebant piscandi et quod de permissione et gratia regis Premislai villam Theutonicalem locaverat pleno iure.*

7) Ibid., no. 1027 (1322), 2:362 (*ne insuper hiis in posterum dubium oriatur vel iudicata a nobis modo aliquo renovetur*); no. 1055 (1325), 2:384.

This dispute, and its resolution, are a late instance of several related processes that had been underway in medieval Poland for at least two centuries before the peasants of Dolany experienced and voiced their grievances. Fundamental was an aggressive, deliberate, and highly competitive quest for lordship – by which I mean a range of powers over people and other productive resources, wielded by social groups that enjoyed an explicit, and commonly recognized, social privilege, variously conceptualized today as »constraint and command«, jurisdiction and confiscation, or, in the most recent formula of Thomas Bisson, unaccountable and unregulated power<sup>8</sup>). Closely related was an expansion of the resources – peasant and other productive populations, areas of land clearing, intensification of agriculture, exchange, and market activity – and a proliferation of statuses, tenures, forms of servitude and freedom, types of estates and sources of revenue – which were subject to, and sometimes actively shaped by, seigniorial power. A third was a painstaking and disorderly process of allocation of the contested powers over people, goods, and territory among the social groups engaged in the competition – dukes, ducal officials, ecclesiastics, and a variety of secular »knights«, »barons«, and others – which began, late in the twelfth century, to be recorded in charters of immunity, and which thereafter resulted in standardized sets of »liberties« from traditional obligations to rulers and their agents<sup>9</sup>).

All these processes »involved, among many other groups, the Germans – that is, the population recorded since the end of the twelfth century as the *Teutonici*, much as King Władysław did in 1325. Over the past century, the nature, significance, and civilizational impact of that involvement have been subjects of much disagreement among historians – disagreement reflecting preoccupations with a much more recent history, which the pre-

8) This meaning of lordship is drawn primarily from scholarship in French and in English, including: Georges DUBY, *La société aux XI<sup>e</sup> et XII<sup>e</sup> siècles dans la région mâconnaise*, Paris 1971, p. 73–88, 141–145, 174–177; Gabriel FOURNIER, *Le château dans la France médiévale*, Paris 1978, p. 116–117, 120–121; Guy FOURQUIN, *Le temps de croissance*, in: *Histoire de la France rurale*, ed. Georges DUBY and Armand WALLON, Paris 1975, vol. 1, p. 377–552, at 394–395; Robert BARTLETT, *The Impact of Royal Government in the French Ardennes: The Evidence of the 1247 enquête*, in: *Journal of Medieval History*, 7, 1981, p. 83–96; GÓRECKI, *Economy* (as in n. 1), p. 6–7, 10, 27, 123–192; Thomas N. BISSON, *Tormented Voices: Power, Crisis, and Humanity in Rural Catalonia, 1140–1200*, Cambridge, Mass. 1998, p. 68–115.

9) Barbara ROSENWEIN, *Negotiating Space: Power, Restraint, and Privileges of Immunity in Early Medieval Europe*, Ithaca 1999; Elisabeth MAGNOU-NORTIER, *Étude sur le privilège d'immunité du IV<sup>e</sup> au IX<sup>e</sup> siècle*, in: *Revue Mabillon*, 60, 1984, p. 465–512; Walter GOFFART, *Old and New in Merovingian Taxation*, in: *Past and Present*, 96, August 1982, p. 3–21; DUBY, *Société* (as in n. 8), p. 103–106, 145–148; Robert FOSSIER, *Enfance de l'Europe, X<sup>e</sup>–XII<sup>e</sup> siècles: Aspects économiques et sociaux*, Paris 1982, vol. 1, p. 373–375, 401–413; GÓRECKI, *Economy* (as in n. 1), p. 6–7, 10–11, 20–21, 23–24, 27–28, 123–141, 153–154, 163–180; Zdzisław KACZMARCZYK, *Immunitet sądowy i jurysdykcja poimmunitetowa w dobrach Kościoła w Polsce do końca XIV wieku*, Poznań 1936; Józef MATUSZEWSKI, *Immunitet ekonomiczny w dobrach Kościoła w Polsce do r. 1381*, Poznań 1936; Roman GRODECKI, *Początki immunitetu w Polsce*, Lwów 1930.

sent forum has done so much to help lay to rest<sup>10</sup>. I think that today all agree that, in its essential aspects, aggressive estate formation, economic and demographic expansion, and definitions of status, tenure, and obligations, all antedated the early immigration and settlement of Germans into the Piast duchies, but, in turn, that German immigration and settlement dramatically affected the directions of these processes, with enormously complicated and varied results.

I do not propose a reassessment, or a repetition, of this scholarly consensus; and I would prefer to leave this large subject as soon as possible. Yet, for one specific reason, I cannot. Despite all the welcome changes and clarifications over the past quarter century in the language and substance of the historiography concerning medieval Poles and Germans, one strand of traditional analysis has retained considerable currency – and it now distorts our conceptions of contact between the actual, historical Germans and the indigenous populations, the nature of which is my specific subject today. Elsewhere, I have labelled that strand of analysis functionalism<sup>11</sup>; here, following Marshall Sahlins, I prefer to call it a practical utilitarianism<sup>12</sup>. Regardless of the label, I mean an explanation for the appearance and the impact of Germans, »German law«, and related phenomena, cast essentially in terms of utility to the participants – typically all of them, as a seamless, and not clearly bounded, social or cultural cohort. Quite simply, the explanation for the significance of the German phenomenon in Poland and elsewhere is the fact that it worked – that is, that it corresponded, in some specifiable way, to the indigenous context, and that it helped transform that context in directions that appear functional to historians today, and that were in fact functional, in the same ways, to the historical populations they affected.

In contrast to Sahlins, and to that generation of American social anthropologists which his work on culture and practical reason represented, I am not implying that analysis in terms of utility, or function, is somehow conceptually inadequate or anachronistic<sup>13</sup>. However, such explanations work best on a level I would call systemic and external. That

10) Perhaps best expressed, indeed symbolized, by: *Die deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte*, ed. Walter SCHLESINGER, Sigmaringen 1975.

11) GÓRECKI, *Economy* (as in n. 1), p. 6; GÓRECKI, *Medieval »East Colonization« in Post-War North American and British Historiography*, in: *Medieval Colonization of East Central Europe in the Historiography: Comparative Analysis against the Background of Other European Interethnic Colonization Processes in the Middle Ages*, ed. Jan M. PIKORSKI, Boulder and New York, 2003, p. 6–30.

12) Marshall SAHLINS, *Culture and Practical Reason*, Chicago 1976, p. 71 (n. 14), 73–76, 85–86 (n. 25).

13) His inquiry was, among other things, a contribution to the discussion, especially in the United States, in the 1970s and the 1980s about of the applicability of economic, or interest-based, categories of analysis to societies which radically differed from what he calls the »bourgeois« model – either because they are non-European, or because they are historical – polarized between »formalists« and »substantivists,« with Sahlins clearly sympathetic with the latter; on the importance and aftermath of this discussion, see Stuart PLATTNER, *Introduction*, in: *Economic Anthropology*, ed. Stuart PLATTNER, Stanford 1989, p. 1–20, especially 12–15.

is, today, we can painstakingly compare, to name a few examples, rents and labor dues demanded from the indigenous Polish peasants and from the German immigrants, or the meanings of their »liberties«, or arrangements for the assessment, collection, transport, and consumption of tithes from both populations – and then diagnose which variants were relatively functional, in terms of standardization, clarity, economic specialization, seigniorial requirements, benefits to peasants, or other criteria<sup>14</sup>). Since the participants themselves sometimes engaged in essentially similar comparative assessment, we can be quite certain that this type of analysis is not an anachronism, or a twentieth-century projection<sup>15</sup>).

Valid as this approach is on its own terms, it tends to portray actual moments of intercultural contact as essentially imitation, or transmission, across a cultural gradient, explicable through a kind of grand deduction from the global utility or functionality that supposedly characterized the German phenomenon in its entirety. This sort of deduction may account for the extravagantly optimistic (and, I think, suspiciously tidy) vision of the impact of the Germans on the indigenous Polish peasantry (and other social groups) – as a wholesale transmission of a cultural package, consisting of liberation, tenurial security, technological advance, communal autonomy, and flexibility in estate management. Now, this kind of vision seems oddly irrelevant to the situation of the peasants of Dolany in 1322 or in 1325 – as they confronted an actual group of *Teutonici*, and as they responded to the related circumstances. They would have been surprised to hear, or read, that their new neighbors enhanced, or diminished, or indeed at all affected, the status or obligations they were in the process of contesting, or their tenure, or the structure of their community, or any other element of their social order in terms of which the significance of interethnic contact among Poles and Germans is portrayed in today's historiography. To them, the clearest result of the presence of the Germans was a diminution of a part of their village, and the termination of their fishing rights – both of which they experienced as a loss.

Thus, looking at this moment of interethnic encounter inductively, outward, as it were, from Dolany, rather than deductively, and inward into Dolany, from a systemic explanation of the *Ostsiedlung*, considerably alters our conception of the nature of that contact and its consequences. Therefore, I propose to leave aside utility and function as the basic mode of understanding the nature and consequences of interethnic contact – without, I

14) Among the enormous literature which explicitly or implicitly performs these kinds of close comparisons in order (ultimately) to explain the German phenomenon in its entirety in East Central Europe, three recent examples are: Richard C. HOFFMANN, *Land, Liberties, and Lordship in a Late Medieval Countryside: Agrarian Structures and Change in the Duchy of Wrocław*, Philadelphia 1989, p. 78–82; Robert BARTLETT, *The Making of Europe: Conquest, Colonization, and Cultural Change, 950–1350*, Princeton 1993, p. 126–134; GÓRECKI, *Economy* (as in n. 1), p. 249–255.

15) As reflected in contemporary references to *melioratio terrae* and similar expressions; BARTLETT, *Making* (as in n. 14), p. 120.

stress again, denying their validity for other purposes – and to focus instead on the phenomenon of the encounter, its consequences, and its significance, as experienced by the participants, in order to provide one case study in the dynamics of interethnic relations in medieval Poland.

Thus recast, the subject immediately raises a difficulty of a very old-fashioned sort: the state of the evidence. We have, relatively speaking, enormous documentation allowing us to perform the comparisons noted earlier, then to select those »German«, »Polish«, or hybrid elements which strike us (and, more importantly, which struck the contemporaries) as relatively functional or useful, and so set up an intelligible gradient for intercultural transmission. But we have considerably less evidence of what actually happened as Poles and Germans encountered one another. As a result, it is difficult even to conceptualize the encounter in terms of conflict, assimilation, coexistence, or something else – let alone as an aspect of some paradigm specific to »Europe« or to its part.

In what sense does the story of the peasants of Dolany reflect an interethnic encounter? In what terms may this encounter be characterized? Clearly, the problem, as reconstructed by King Władysław in 1325, did have an explicitly ethnic dimension: the presence of a group of people recorded as *Teutonici*, had for some time affected the circumstances of a previously settled population – namely, the *kmiecie*, or *ascriptitii*, of Dolany – in directions that that population considered unwelcome. Nevertheless, the allegations concerning the Germans seem to have been a secondary subject of the peasants' complaints. The palatine did not refer to them at all, while the king identified them in a separate clause of his narration. Furthermore, neither palatine nor king actually referred to the plaintiffs as *Poloni*, that is, explicitly classified them in terms of ethnicity. Now, for a number of reasons it would be perversely skeptical to classify the *ascriptitii* of Dolany as anything but Poles<sup>16</sup>) – but, for present purposes, the point is that on this occasion their ethnic identity was less important than were their status and subjection to lordship. This asymmetrical use of ethnic terms is a recurrent feature of the written record concerning ethnicity in medieval Poland: ethnic classification, when it appears, is sometimes oblique, highly relational, and neither intrinsically more nor less important than a host of other indices of status and lordship.

To complicate matters even further, the conflict was related to ethnicity only indirectly. On the face of the record, the peasants of Dolany directed both their claims against Abbot Matthew, not against their German neighbors. Of course, Abbot Matthew and the monks may themselves have been German, but any such fact was not, in any demonstrable sense,

16) For reasons documented in note 1 above, it is clear that the *ascriptitii*, their counterpart the *liberi*, and several other categories of settlers, were indigenous, Slavic populations – the *Poloni* of those charters and other records which classify people in ethnic terms, usually as a counterpart to the *Teutonici*. This is the sense in which they were clearly »Polish« – but much of the present article concerns the meanings, and the ambiguities, of this type of classification to the contemporaries who engaged in it.

related to the peasants' grievance. Therefore, we do not have here a conflict between two ethnic groups at all, but a conflict between a group of peasants and their lord, concerning, among other things, a different group of peasants of that same lord. Ethnicity was one of the differences among these two groups of peasants. The *Teutonici* were an occasion for conflict, but not (in any apparent sense) parties to it.

That record presents the actual connection of the Germans to the conflict in a descending order of clarity. Most clearly, the peasants complained about the diminution of the original village of Dolany, and its subdivision in order to accommodate the new, German settlers. The plaintiffs clearly assumed that the village belonged to them, and, by his own response to their claim in the same terms, the king tacitly accepted the plausibility of that view – and then proceeded to refute it. This part of the claim and response concerned peasant property rights – an important and recurrent issue in medieval Poland, always involving a balance of expectations and interests of several parties: the peasant possessors, their lords, the Piast rulers, and other, competing peasantries<sup>17</sup>. Less clear is the significance of the Germans' subsequent presence itself. At the very least, it must have effectuated, clinched as it were, the ouster of the Polish peasants from the portion of Dolany which they were contesting, and made that ouster much more difficult to reverse. Least clear is the relationship of the presence of the Germans to the peasants' loss of their fishing rights. Restrictive regulation of peasant fishing, hunting, and apiculture by dukes and lords was a recurrent feature of that aggressive acquisition and reorganization of estates which had long been one of the big contexts of this controversy<sup>18</sup>.

In any event, this particular controversy sheds light on one resource used to consolidate lordship in medieval Poland – namely, several types of legal record. In this case, the types, and the use, of legal record, and of the memories such record expressed, varied according to the ethnicity of the parties. This pattern is shown by several details of the procedure whereby the palatine and the king reached their verdicts in the two claims. The claim concerning unowed services, raised by the Polish *kmiecie*, was resolved to a large extent on the basis of group deliberation and remembered knowledge. Palatine Przybysław noted that the peasants approached him »while we were celebrating an assembly with the community of the barons« of Poland, which included, among others, the monks of Ląd,

17) I have explored these subjects, but apart from the context of ethnicity, in Piotr GÓRECKI, *Communities of Legal Memory in Medieval Poland, c. 1200–1240*, in: *Journal of Medieval History*, 24, 1998, p. 125–154, at 140–146, 151–152, and in GÓRECKI, *A Historian as a Source of Law: Abbot Peter of Henryków and the Invocation of Norms in Medieval Poland, c. 1200–1270*, in: *Law and History Review*, 18, 2000, p. 479–523, at 480–481. See also a part of the story of Albert the Bearded, at note 84 below.

18) Agnieszka SAMSONOWICZ, *Łowiectwo w Polsce Piastów i Jagiellonów*, Wrocław 1991, p. 316–318; GÓRECKI, *Economy* (as in n. 1), p. 129, 139–140; Jacek MATUSZEWSKI, *Vicinia id est ... Poszukiwania alternatywnej koncepcji staropolskiego opola*, Łódź 1991, p. 122–123, 128–139 – with whose extremely nominalist reassessment of the *vicinia* (which is the main thrust of his otherwise very helpful book) I disagree.

the »neighboring knights«, the bishop of Poznań, and »all the barons of the land«; and that he dismissed the claim after »mature counsel« by that group<sup>19</sup>). Three years later, the king also dismissed the first claim before a substantial group, of »ourselves and the barons«, but emphasized the decisive importance of viewing a written document. Finally, in narrating his rejection of the claim specifically concerning the Germans, he noted merely his own viewing of the charters, with which the abbot conclusively »demonstrated« that the *kmiecie* were wrong<sup>20</sup>).

An unexpected implication of ethnicity for this dispute was therefore a reliance on rather different elements within the spectrum of evidence that constituted authoritative social knowledge in medieval Poland<sup>21</sup>). In the case of the traditional obligations of the (Polish) peasants of Dolany, the decisions were an outcome of deliberation, by several communities, in reference to written and remembered knowledge<sup>22</sup>). In the case of the allegedly innovative and disruptive circumstances relating to the German immigrants, the decisions were based much more directly, and exclusively, on the written record. This apparent difference in the relative importance of writing was reinforced by a very different logic of its use in the two major claims. In the claim concerning unowed obligations, the written record was marshaled to bolster independent group knowledge of the contested subject matter – namely, the type and level of the obligations. In the claim concerning the Germans, the written record was used to override, or terminate, those assertions which it did not document explicitly. This interethnic encounter reflects a moment of competition among memories that defined legitimate, authoritative social knowledge, and a suppression of one such set of memories.

Closely related is a general difference in the presentation of the two claims, within the charters, and perhaps during the actual proceedings. Przybysław and Władysław both recorded the grievance concerning unowed obligations on a tacit but clear assumption

19) K. Wp., no. 1027 (1322), 2:362: *celebrantibus nobis colloquium cum communitate baronum terre ... cognita veritate cause merito tam per fratres domus Lendensis quam per milites circumsedentes, una cum venerabili ... episcopo Poznaniensi qui tunc personaliter interfuit et cum universis baronibus terre obiectiones kemetorum maturo consilio discucientes.*

20) Ibid., no. 1055 (1325), 2:384.

21) This subject and its implications are an interesting local counterpart to the issues of orality, writing, and their relative importance as a type of record and of forensic material discussed by Michael T. CLANCHY, *From Memory to Written Record: England 1066–1307*, Oxford 21993; see also, briefly, GÓRECKI, *Communities* (as in n. 17), p. 153–154.

22) GÓRECKI, *Communities* (as in n. 17), *passim*; GÓRECKI, *Local Society and Legal Knowledge: A Case Study from the Henryków Region*, in: *Christianitas et cultura Europae: Księga Jubileuszowa Profesora Jerzego Kłoczowskiego – Część 1*, ed. Henryk GAŃSKI, Lublin 1998, p. 544–550; GÓRECKI, *Community, Memory, and Law in Medieval Poland*, in: *Historical Reflections on Central Europe – Selected Papers from the Fifth World Congress of Central and East European Studies – Warsaw, 1995*, ed. Stanisław KIRSCHBAUM, Houndmills 1999, p. 15–26.



that, in their own present, there was, and had long been, some level of such obligations that was both »customary« (*consueta*) and justly »due« (*debita*) – and that the task before all concerned was to ascertain what that level was. Notably, they portrayed the peasants as sharing that same tacit assumption – indeed, as themselves invoking it, in order to contest the level of obligations it justified. Thus, the crux of the disagreement, and the criterion of its potential resolution, turned on a shared acceptance of a social norm. On the other hand, the palatine and the king presented the grievances relating to the Germans as an irreducible clash of tacit assumptions about the central issues among the participants in the conflict. The participants disagreed, above all, on what it meant for Dolany to belong to the peasants – for it to be »theirs« – as well as to the monastery; and on the meaning and the strength of access to fishing. No one here tacitly assumed the existence of shared norms governing access to land, space, and resources (that is, a shared law of property) which, after due ascertainment, would lay this part of the conflict to rest. Thus, the grievances relating to the Germans are presented as a sharp alteration of a past reality – a very local instance of a fundamental legal rupture.

## 2.

A very different type of document reflecting contact between Poles and Germans is the history of the Cistercian monastery at Henryków in Silesia, written by its third abbot, Peter, in the early 1270s<sup>23</sup>). Peter produced this extraordinary work in order to provide the present and future monks in his monastery knowledge about politics, history, economy, and law which bore upon the monastery's security against a wide variety of potential enemies. For this purpose, he looked deep into the past of the society surrounding his monastery, and continued that inquiry into his own present. One of the features which he noted was ethnic diversity – especially the presence of groups to whom he referred as *Poloni* and *Tentonici*. He and the Cistercian monks for whom he wrote were themselves

23) Księga henrykowska. Liber foundationis claustris sancte Marie Virginis in Heinrichow, ed. and trans. Roman GRODECKI (Poznań, Wrocław 1949); reissued as Liber foundationis claustris sancte Marie Virginis in Heinrichow, czyli Księga henrykowska, ed. Józef and Jacek MATUSZEWSKI, Wrocław 1991. Hereafter K. H., with page references to the 1991 printing. The fundamental analysis of the source, composition, and language of Abbot Peter's portion of the *Henryków Book* is Józef MATUSZEWSKI, Najstarsze polskie zdanie prozaiczne. Zdanie henrykowskie i jego tło historyczne, Wrocław 1981. On the monastery, see the following works by Heinrich GRÜGER: (1) Heinrichau: Geschichte eines schlesischen Zisterzienserklosters 1227–1977, Köln, Wien 1978; (2) Das Volkstum der Bevölkerung in den Dörfern des Zisterzienserklosters Heinrichau im mittelschlesischen Vorgebirgslande vom 13.–15. Jahrhundert, in: Zeitschrift für Ostforschung, 27, 1978, p. 241–261; (3) Das Patronatsrecht von Heinrichau, in: Cîteaux: Commentarii Cistercienses, 28, 1977, p. 26–47. See also Roger AUBERT, Henryków, in: Dictionnaire d'histoire et de géographie ecclésiastiques, vol. 23, fasc. 136–137, col. 1279–1285.

among those *Teutonic*. His work therefore both reflected and negotiated ethnic difference.

This subject must be teased out of Peter's work with considerable effort. He was not an ethnographer in the sense in which, say, Gerald of Wales had been in the days of his own youth<sup>24</sup>). To be sure, he used the concepts *Teutonic* and *Poloni*, said a great deal about what those concepts meant, offered a rich array of examples of what particular Poles and Germans actually did and with what consequences, and, perhaps above all, positioned himself, as a person – dare I say, an individual – within a local world inhabited by people thus classified. However, he did not study either of those two populations as one another's global cultural counterpart; or even adopt a consistent position of observer from the perspective of one of them. Thus, we cannot quarry his work to encounter, on that frontier of the Piast principalities with which he was concerned, yet another »Other«. The reason is embarrassingly simple: Poles and Germans were not his subject. His subject was the myriad of transactions and relationships affecting the monastery – of which ethnic difference and its meanings were one, relatively minor, aspect.

Perhaps paradoxically, this limited significance of ethnic difference in his work makes Peter a useful witness to it. He was relatively free from those conventions in terms of which medieval authors more directly concerned with the topic juxtaposed themselves, or the people with whom they identified, against peoples they viewed as different – and thus from ethnocentric bias. In addition, what he did say about Poles and Germans was always part of larger and more fundamental subjects, and thus his work situates ethnicity within a broad social and political context. In order to get at Peter's role as witness to, and participant in, ethnic difference, its meanings, and its consequences – I would like to: (1) identify the overall patterns of his use of explicitly ethnic classifications – pertaining to people, that is, to *Poloni*, *Teutonic*, *Romani*, and *Bohemi*, through collective, substantive nouns; or pertaining to attributes, expressed through adjectival forms of such terms; (2) focus on one case of actual contact among the people whom Peter so designated; and, perhaps most importantly, (3) characterize Peter himself as (among many other things) a mediator in that kind of contact.

Throughout his work, Peter referred to dozens of individuals and groups. Usually, he classified them in terms of criteria other than ethnicity – subjection to ducal lordship, status (knightly, peasant, or clerical), place of residence, family membership, personal traits – invariably in combination. Within that range of social classification, he used the substantive nouns *Poloni* and *Teutonic* in two ways. First, with one exception, such words refer solely to groups, by means of a simple plural, without further specification of the persons thus designated<sup>25</sup>). That is, Peter wrote about the *Poloni* and the *Teutonic*, and said inter-

24) Robert BARTLETT, *Gerald of Wales 1146–1223*, Oxford 1982, p. 158–177.

25) K. H., c. 31, p. 118 (*vocatur apud antiquos Polonos Iawrozwika*); c. 34, p. 119 (*Poloni antiquitus ... seminabant milium*); c. 49, p. 122 (*Albert cepit ... Ceplowod Thetonicis locare*); c. 51, p. 122 (*Albert Ceplowod*).

esting things about them, but he never designated particular persons with the substantive nouns *Teutonicus*, *Teutonica*, *Polonus*, *Polona*, or with their counterparts in the plural.

Second, he occasionally qualified such collective, open-ended references in a manner that specified a particular subset of a broader population – for example, in references to »some Poles«, »old Poles«, or, on one important occasion, in his address to »you Germans«<sup>26</sup>); or in order to amplify the meaning of an ethnic difference, as in his observation about »the stock of the Poles« (*genus Polonorum*)<sup>27</sup>). As we will see, these qualifications are intelligible in the contexts of the stories in which they occur, but even in those instances the collective ethnic category is not explicitly attached to any person or group specified by name or by other individual attributes. In other words, Peter's uses of the terms »Poles« and »Germans« are another example of an oblique classification of particular persons in terms of ethnicity. These constructs clearly had meanings, and must have referred to actual persons, but such persons need to be identified circumstantially.

Third, Peter used the words *Poloni* and *Teutonici* to express attributes of the human groups thus designated – attributes he imagined as widely different, and thus ethnically specific. His most paradigmatic observation about the *Poloni* was that they remembered; and about the *Teutonici* that they arrived. The specific subject of the Poles' collective memory was names – place-names above all, but also personal names, nicknames, and relationships between names and space – materials which Peter used to attribute to the *Poloni* a strong sense of genealogy and property<sup>28</sup>). On the other hand, when Peter referred, with that actual word, to *Teutonici*, he meant groups of settlers, recruited by particular lords, into specified localities in the Henryków region. In contrast to the *Poloni*, all groups thus identified were relatively recent populations<sup>29</sup>).

Another reflection of ethnic difference is Abbot Peter's close attention to spoken language – two vernaculars, Polish and German, to which he referred several times, and, on one important occasion, Latin<sup>30</sup>). Peter's attention to this subject was closely related to his interest in a systematic explanation of Polish place-, personal, and family names, but it was

*wod Thethonicis locavit*); c. 80–81, p. 132 (*Michael locavit suam hereditatem Thethonicis; hereditatem eadem locaverat Theuthonicis; abbas ... et ... fratres exemerunt eosdem Teuthonicos*); c. 82, p. 134 (*nomen ... apud quosdam Polonos obtinet*); c. 83, p. 134 (*vocabatur ... apud Polonos Kicka*); c. 86, p. 136 (*quisquam de genere Polonorum; vos Teuthonici*); c. 89, p. 137 (*dicitur apud Polonos Bucwini*); c. 101, p. 140 (*vocabatur ... apud Polonos Iagilna*).

26) *Ibid.*, c. 31, p. 118; c. 82, p. 134; c. 86, p. 136.

27) *Ibid.*, c. 86, p. 136.

28) GÓRECKI, *Communities* (as in n. 17), p. 140–146. The citations are at: K. H., c. 29, p. 118; c. 31, p. 118; c. 32, p. 119; c. 34, p. 119; c. 35, p. 119; c. 36, p. 120; c. 49, p. 122; c. 82, p. 134; c. 83, p. 134; c. 89, p. 137; c. 94, p. 139; c. 113, p. 147.

29) *Stories of Albert the Bearded and Michael Daleborowic*, at K. H., c. 49, p. 122; c. 51, p. 122; c. 80–81, p. 132; c. 101, p. 141. For Albert and closer citations, please see part 3 below.

30) On this subject, see MATUSZEWSKI, *Najstarsze* (as in n. 23), p. 8–9, 30–37.

not entirely limited to that subject; he seems to have been fascinated by etymology, perhaps as a learned exercise. In several passages, he squarely said that a word or a statement had been uttered *in Polonico* or *in Teutonico*; or, he reproduced a word, statement, or etymology on an underlying assumption that it was expressed in one of these two vernaculars<sup>31</sup>). At other times, he translated important words between the two vernaculars. He repeatedly referred, with its Polish name, to the *przesieka*, a belt of forest under special ducal protection which had traditionally defined the boundary zone of Silesia, and at one point observed that »in German it is called »the hedge« [*hach*]<sup>32</sup>). Elsewhere, he identified a ridge of hills as »named the Ziegenrücken, that is, Kozięchrzeby in Polish«<sup>33</sup>). In both cases, his translations were from Polish to German, clearly indicating that his monks were more familiar with German than they were with Polish.

At one point, Peter associated language use very specifically with an activity – recent land clearing within the *przesieka*. He captured that activity in a vivid vignette, in which John, a village bailiff who had newly recruited a group of »peasants and assarters«, ordered them to »cut down the forest all through the hedge« – which they did. Peter described John's order to his rural subordinates as a command given in German, to cut into the forest *al durch den hach*<sup>34</sup>). Here, he was not translating – that is, he was not seeking to enhance intelligibility of a phenomenon commonly expressed by a Slavic word or phrase to a German-thinking audience. I would surmise that John had actually issued his command in German, that his »peasants and assarters« understood it in that language, and that Peter and his monks most closely associated the activity the phrase described with Germans.

If this is correct, then Peter's utmost attention to German vernacular relates to the paradigmatic trait he associated with »the Germans« – their recent arrival, settlement, and land clearing – just as his most careful attention to Polish vernacular relates to the paradigmatic trait he associated with Poles – their recollection of names and, with them, of the complex legal, economic, and seigneurial realities such memories encapsulated. But the matter is a bit more complex. Peter viewed John's action, carried out in German and by a

31) MATUSZEWSKI, Najstarsze (as in n. 23), p. 33–34. The citations are: K. H., c. 34, p. 119 (*magna platanus que arbor in Polonico vocatur jawor*); c. 45, p. 121 (*cognomine in Polonico Lyka*); c. 82, p. 134 (*locum qui nunc dicitur Magnum Pratum in Polonico vero Vela Lanca*); c. 83, p. 134 (*vocabulo Quietiko id est flos vel floris*); c. 101, p. 140 (*vocabatur ... apud Polonos Iagilna modo autem Scribersdorf*); c. 103, p. 142 (*quam appellavit ... Sconewalde ea ... ratione quia ... erat ibidem pulcherrima silva*); c. 110, p. 145 (*usque ad precesam quod dicitur in Tetunico hach*); c. 111, p. 146 (*villicus iussit ... rusticos al durch den hach silvas delere*); c. 113, p. 147 (*dixit, Sine ut ego etiam molam, hoc est in Polonico, Day ut ia pobrusa a ti poziwai*).

32) Ibid., c. 101, p. 141; c. 106, p. 143; c. 110, p. 145 (*usque ad precesam quod dicitur in Tetunico hach*, and several other references, including *ad metas ... presece*); c. 110, p. 145.

33) Ibid., c. 111, p. 146 (*mon[s] qui vocatur Ciginrucke vel in Polonico Cosecrepte*).

34) Ibid.: *Cum ... ibidem agriculatores et destructores silvarum multiplicarentur Iohannes villicus iussit eosdem rusticos al durch den hach silvas delere*.

group of Germans, with great disapproval, disassociating himself from it, and noting that, as a result, »the monastery later suffered great harm from Duke Henry III«<sup>35</sup>). John's as-sarting had been a serious complication for the monastery. It seems that in this vignette Peter turned to German vernacular not merely to liven up one more glimpse of actual *Teu-tonici*, arriving and settling; but also to portray that collective attribute as an unwelcome source of social and political disturbance.

Peter's juggling of the two vernaculars raises the important question of his own lin-guistic facility. The fact that he named the ridge of hills with the German name *Ziegen-rücken*, without identifying that language explicitly, and that he thereafter offered a vari-ant of that name, *Kozięchrzeby*, which he clearly identified as »Polish«; the fact that he cited Bailiff John's command to his settlers in German outright, without further amplifi-cation or comment; and the fact that much of what he said about the two vernaculars was plainly intended as a translation of Slavic words, phrases, and concepts for readers or lis-teners familiar with German – all clearly indicate that German was the language in which he thought and spoke. How well, then, did he know Polish?

Although today's criteria of language use are difficult to transplant neatly into the very distant past, nevertheless almost all the words which he used in the two vernaculars are, to us, comprehensible on their face, and we may tentatively assess how well he moved from one vernacular to the other. First, all his etymological explanations of place-names in terms of Polish seem accurate<sup>36</sup>. Second, although his Latin translation of the well-known utterance in Polish by a settler named Boguchwał to his wife is a paraphrase, it substantial-ly conveys the original meaning<sup>37</sup>. Third, Peter was aware of Slavic inflection. In explain-ing the Polish name of an old peasant Kwiecik, he subtly, and accurately, translated it as »flower« in either its nominative or its genitive (or adjectival) form<sup>38</sup>. Cumulatively, these usages show that, for him and his monks, the language of thought, and the standard to which he related the other vernacular, was German, but that he was fully competent as an interpreter of Polish.

On one occasion, he referred to his own speech in a language, which, somewhat awk-wardly for present purposes, was Latin. He recalled that in the course of his trips to Great Poland on »the monastery's business« during the 1250s, he and Duke Przemysł I »quite

35) Ibid.

36) MATUSZEWSKI, Najstarsze (as in n. 23), p. 31–32.

37) MATUSZEWSKI, Najstarsze (as in n. 23), p. 8–9; the utterance is the subject of the title of Matuszewski's book. See also: Gerald STONE, Honorific Pronominal Address in Polish Before 1600, in: Oxford Slavonic Papers, New Series, 17, 1984, p. 45–56, at 46; Teresa MICHAŁOWSKA, Wielka historia literatury polskiej – średniowiecze, Warszawa 1995, p. 266–268.

38) K. H., c. 83, p. 134: *vocabulo Quietiko id est flos vel floris*. In my reading, the *-ieti-* suggests either the nominative case in the diminutive, *kwiecik*, or the genitive case (literally »of,« »pertaining,« or »belonging to a flower«), *kwieci* – with the last letter *k* added to produce a male first name. Matuszewski seems a bit more restrained in his own comment on this etymology, at: Najstarsze (as in n. 23), p. 31.

often conversed in Latin<sup>39</sup>). This passage has been used to infer that Peter had no command of spoken Polish, or that Przemysł had no command of spoken German, or both; and Peter's sense of relative status of the two vernaculars, leading to deliberate avoidance of Polish as a language of oral communication<sup>40</sup>). However, Peter himself suggests a slightly different interpretation. He explained that he and Przemysł spoke Latin »because« the duke »was somewhat lettered [*quodammodo litteratus*]«<sup>41</sup>), and so perhaps the interlocutors prized Latin as a language of common learning – in which case their conversations in it tell us something about the status of that language, but nothing about the relative status of the two vernaculars, or their own competence in them. Furthermore, Peter's conversations in Latin took place far away from the Henryków region – the geographic location, and the social setting, in which his interest in the two vernaculars was especially intensive and pragmatically pressing. Quite possibly, as Peter literally, though temporarily, removed himself (and his sense of focus) away from that setting, his linguistic mode of communication across the ethnic divide shifted away from translation toward use of that third language which, in Poland as elsewhere, bridged all kinds of differences (including ethnicity) through shared learning, not translation.

Finally, and most importantly, Abbot Peter used the adjectives *Polonialis*, *Polonicum*, and *Teutonicalis* as epithets, to express significant qualities – and interpret these qualities and their implications for the benefit of his monks. Not surprisingly, he attached the adjective »German« to settlement – in the double sense of a place and a group of people, which he specifically called the *villa Teutonicalis*<sup>42</sup>). On the other hand, he consistently used the adjective »Polish« in reference to what he called »custom« (*mos*), or »law« (*ius*), by which he meant several indigenous practices relating to procedure and property<sup>43</sup>). This was the criterion in terms of which he drew his most explicit distinction between Poles and Germans.

From Peter's perspective, the central subject matter of concern posed by the *mos* (or *ius*) *Polonicum* was the relationship between property and kinship. The particulars of that relationship varied. At one point, he identified the substance of the *mos Polonicum* as two steps in the procedure of alienation of property. In 1240, four defendants with Slavic names were convicted of »robbery« in a trial before Duke Henry II, and, as a result, »according to Polish custom, ... they were obliged either to sacrifice their necks to the duke,

39) K. H., c. 116, p. 149–150 (*abbas misit fratrem Petrum ... ad ... ducem Polonie pro negocio claustris; latine semper secum conferebat*).

40) Tomasz JUREK, *Obce rycerstwo na Śląsku do połowy XIV wieku*, Poznań<sup>2</sup>1998, p. 126 (n. 185), 133.

41) K. H., c. 116, p. 150.

42) *Ibid.*, c. 49, p. 122 (*villam Theutonicam integraliter locare*).

43) *Ibid.*, c. 58, p. 124 (*more Polonico debiti erant domino duci vel colla deponere vel se ipsos ad voluntatem ducis redimere; more Polonico suis parentibus venalem prebuisent*); c. 71, p. 128 (*John temptavit sepe facta patru i et patris sui more Polonico revocare*); c. 86, p. 136 (*heredes Stephani postmodum iure Polonico requirent; qui sciant se iure Polonico ... defendere*).

or to redeem themselves as the duke wished«. In turn, and also »according to Polish custom«, the convicts offered their holding for sale to their relatives – who then declined their offer, thus enabling the monastery to buy it<sup>44</sup>).

Peter noted that over time the monastery's possession of the holding became threatened – and attributed that threat to another aspect of the *mos Polonicum*. One of the convicted sellers left a small son, John, who, after reaching adulthood about a dozen years later, »frequently sought to revoke his father's and uncle's deeds, according to Polish custom«<sup>45</sup>). Peter reported, with some satisfaction, that »because [John] was poor and forever lacking in things, he accomplished nothing of what he wanted«<sup>46</sup>), but clearly implied that, despite this pleasing outcome, »Polish custom« had been a nuisance – and that this feature of »Polish custom« was routine, requiring no further elaboration or explanation.

In John's case, the monks managed to avert that nuisance. Another story shows a much more complicated negotiation around the dangers of »Polish law«. At a central passage in that story, Peter warned his monks about the possibility of conflict between themselves and the heirs of a knight named Stephen Kobylałowa, stemming from circumstances that extended back about forty years<sup>47</sup>). In 1234, Stephen had acquired possession of a forest that had earlier been part of the monastery's estate; shortly thereafter, he sold it back to the monastery. Peter identified Stephen's past possession of the forest as the precise reason for the present danger to the monks, and then immediately promised them proof that the threat was, in fact, illusory<sup>48</sup>).

The difficulty arose when Stephen decided to sell the forest. After some searching, he identified as a potential buyer a certain Vincent – an »old« and »noble man«, founder and prior of the nearby monastery at Kamieniec, and uncle of another important person in the region, lord Mroczko<sup>49</sup>). Stephen offered Vincent the forest for sale »several times«, but »[t]he prior«, Peter explained, »was a very old and cautious man, and he refused to deprive our monastery of this forest«<sup>50</sup>). Instead of buying the forest himself, Vincent actively helped the monastery regain it. The current abbot of Henryków, Henry, was interested in buying it from Stephen, but he too was afraid to do so. He visited Prior Vincent in person, voiced his apprehension, and elicited from Vincent an important piece of legal advice.

The encounter between these two men was the crux of Peter's proof, for the benefit of his monks, that their repossession of the forest was safe. »If I buy the forest«, Abbot Hen-

44) *Ibid.*, c. 58, p. 124.

45) *Ibid.*, c. 71, p. 128.

46) *Ibid.*

47) The story at *ibid.*, c. 85–90, p. 135–137; see GÓRECKI, *Historian* (as in n. 17), p. 480–484, 487–490, 511–518.

48) K. H., c. 86, p. 135; GÓRECKI, *Historian* (as in n. 17), p. 481–482.

49) K. H., c. 86, p. 135.

50) *Ibid.*, p. 135–136: *Sed idem prepositus sicut erat vir grandevus et valde timoratus noluit nostrum claustrum hac silva privari.*

ry said to Vincent, »Stephen's heirs will later demand it according to Polish law«. »Absolutely not«, Vincent answered, and offered Abbot Henry a reassurance, in the form of a long recitation of substantive law, which he explicitly framed as a transfer of knowledge among Poles and Germans. »You should know«, he said, »that is has been held among our ancestors and fathers since long ago that if anyone from among the stock of the Poles sells any patrimony of his, his heirs may redeem it later. But perhaps you Germans don't understand what a patrimony is. I will explain it to you so that you may understand it fully« – which he then did, by defining »patrimony«, classifying Stephen's estate as less than it, and advising the abbot and the monks that »you can ... buy it freely and without fear, ... as long as in your monastery there [now] are, or there shall be [in the future] those who know how to defend themselves« against Stephen's heirs »according to Polish law and this explanation«<sup>51</sup>).

This story is a vivid glimpse of contact, potential conflict, and a strategy of coexistence between Germans and Poles. It sheds unusually sharp light on the complicated articulation of a people in terms of ethnicity. Here as elsewhere, ethnic identification was oblique and indirect. Vincent's statement to »you Germans«, who »perhaps don't understand« »Polish law«, is Abbot Peter's sole reference to the monks of Henryków (and to himself) as *Teutonici*. Nor did Vincent actually refer to himself, Stephen Kobylańska, or Stephen's heirs, as *Poloni*; he – and through him, Peter – again did so indirectly, by reference to »our ancestors and fathers« who possessed a timeless knowledge of »Polish law«, which was an attribute of »anyone from among the stock of the Poles«. Thus deployed, ethnic classification was pragmatic rather than fundamental – Peter invoked ethnic difference specifically to enhance the monastery's security, not to portray some fundamental, or essential difference between the two peoples thus identified.

Peter's stories about John and Stephen reflect several approaches in the recognition, confrontation, and management of conflict across the boundary of ethnicity. In both cases, the problem was a present and future threat of conflict. This standing potentiality of conflict, the duration of its prospect over time, seems to have been an important feature of »Polish custom« or »law«. We have a clearcut case of apprehension by a group of Germans about a course of action that individual Poles, or groups of Poles, might with a high degree of probability undertake in the future, and which, on the face of his record, Abbot Peter interpreted as an intrinsic feature of their being Polish. This is ethnic conflict in every sense – among ethnically distinct groups, concerning a difference specific to ethnicity, and experienced in those terms by the participants.

The intended effect of Peter's presentation of Vincent's speech was a measure of comfort against the threat posed by the *ius Polonicum* based on that *ius* itself. Thus, Peter positioned himself as a direct informant and interpreter for his German monks of yet another important feature of the indigenous social and political scene. Interestingly, however, he

51) Ibid., p. 136; GÓRECKI, *Historian* (as in n. 17), p. 482–483, 520.



presented himself not as a source of that knowledge, but only as its transmitter. The knowledge itself he attributed to Prior Vincent. Here we have an exceptionally interesting, multilayered vignette of interethnic contact: Peter, a German, using the image of Vincent, a Pole, to instruct a group of Germans in a specialized topic of »Polish law«, and to contrast Germans and Poles in terms of knowledge of that topic<sup>52</sup>). Vincent's characteristics – nobility, old age, good political and spiritual connections, and accurate knowledge of ancient Polish law – correspond to the attributes of a very important type of actor in Polish medieval law recently described by Grzegorz Myśliwski, namely, the *homo antiquus* – an old man (and I do mean a male person), distinguished by an unusual degree of knowledge and social status, who, individually or in a group of similar peers, functioned as a social repository of that knowledge, and passed it on in oral form<sup>53</sup>). Thus, Peter's image of Vincent reflects a close familiarity with a central feature of the Polish legal culture, which worked as a bridge between, on the one hand, this particular German and his German monks, and, on the other, the (largely) Polish society surrounding them. This story is one of the places in Peter's work which at the same time reflect contact between Poles and Germans, and which were explicitly intended as a resource in that contact.

## 3.

A rather different reflection of interethnic encounter and its consequences is a biographical story recorded by Abbot Peter. Although biography is not the basic structural unit of Peter's work, it is one of its central subjects<sup>54</sup>). Stories of entire lives, fragments of lives, and intergenerational succession crop up prominently throughout his narratives about particular places and people<sup>55</sup>). However, as with other information about individual actors, Peter did not explicitly associate life-cycle events with ethnicity. That is, although today we may (with varying degree of uncertainty) classify, even explain, life-cycle events and relationships in terms of ethnicity or ethnic difference, and the relevant actors as Poles, Germans, or something else, Peter himself usually did not do so. The one exception

52) I am especially grateful to Charles Donahue, Jr., for observing the nuances of this moment in Peter's story, in a discussion at the 1998 annual meeting of the American Society for Legal History in Seattle.

53) Grzegorz MYŚLIWSKI, *Starość i długowieczność w Polsce do połowy XVI w. na tle porównawczym*, in: *Kwartalnik Historii Kultury Materialnej*, 49, 2001, p. 169–198.

54) Piotr GÓRECKI, *Rhetoric, Memory, and Use of the Past: Abbot Peter of Henryków as Historian and Advocate*, in: *Cîteaux: Commentarii Cistercienses*, 48, 1997, p. 261–294, at 261–262, 272–273.

55) K. H., c. 2–11, p. 109–115; c. 21, p. 116–117; c. 29, p. 118; c. 31–33, p. 118; c. 38, p. 120; c. 41, p. 120; c. 45–46, p. 121; c. 52, p. 123; c. 54–56, p. 123; c. 61, p. 125; c. 69, p. 127; c. 71, p. 128; c. 74, p. 129; c. 77–78, p. 130–131; c. 80, p. 132; c. 82–83, 85, p. 134–135; c. 90, p. 137; c. 92, p. 138; c. 96, p. 139; c. 101, p. 140; c. 103–104, p. 142; c. 105, p. 142; c. 108, p. 144; c. 111, p. 146; c. 113–114, p. 147–148; c. 116, p. 150; c. 120–123, p. 152–153.

is his story of Albert the Bearded (or Albert »with Beard«) – an important inhabitant of the Henryków region, active, at best approximation, between the second and the sixth decades of the thirteenth century, whose biography Peter explicitly presented, and interpreted for the benefit of his monks, to a large degree in terms of ethnic difference<sup>56</sup>. Therefore, the history of Albert (as Peter remembered it<sup>57</sup>), and Peter's own interpretation of that history, provide our second major case study in the meanings of ethnic difference in the society on which Peter reflected, and to Peter himself.

The abbot did not present Albert's story as one continuous narrative. He positioned Albert as an actor in several of the histories of particular localities that make up his monastic history in its entirety. The long sweep of Albert's life – that is, the properly biographical material – is presented as part of the history of one of those localities, Cienkowice<sup>58</sup>. Elsewhere, Peter noted additional events of Albert's life, which can, with varying degrees of chronological precision, be placed within that biographical sequence<sup>59</sup>. Although not so arranged by Peter himself, the result is a fairly complete biographical sketch, beginning with Albert's ancestry, continuing into his life, and concluding with a brief reference to his descendants. Interspersed with these biographical elements are Peter's interpretive or evaluative comments about Albert – directed, as usual, to the monks of Henryków, present and future<sup>60</sup>.

Peter began the biographical passage by specifying Albert's name, nickname, status, and place of initial settlement: Albert had been »a ... rather powerful knight«, nicknamed »Łyka, in Polish«, and he »held [land] in Ciepłowoda«, that is, about ten kilometers west of the future site of the monastery's church<sup>61</sup>. He was »on his father's side,« a member of »the kindred of the *Czurbani* from Germany«, and by descent from his mother »a Walloon from the street of the Walloons in Wrocław«<sup>62</sup>; and he had been settled in Ciepłowo-

56) Albert's story, in its entirety, occurs at: *ibid.*, c. 45–56, p. 121–123; c. 74–75, p. 129–130; c. 106, p. 143; c. 108, p. 144; c. 111, p. 146–147.

57) As with the subject of ethnicity in general, in this essay I limit my inquiry to what Abbot Peter remembered about Albert – and leave aside fuller, prosopographically-based reconstructions of the »real« Albert and his lineage, for which see JUREK, *Obce rycerstwo* (as in n. 40), p. 194–196, and Marek CETWIŃSKI, *Rycerstwo śląskie do końca XIII w. Biogramy i rodowody*, Wrocław 1982, p. 63–66.

58) K. H., c. 45–56, p. 121–123.

59) *Ibid.*, c. 60, p. 125; c. 70, p. 128; c. 74–75, p. 129–130 (Jaworowice); c. 106, p. 143 (Schönwald); c. 108, p. 144 (Schönwald); 111, p. 146–147 (Schönwald).

60) On Peter's use of direct address to the monks, see GÓRECKI, *Rhetoric* (as in n. 55), p. 266–268, 273, 279–280. Passages written in this form and relating to Albert include: *ibid.*, c. 53, 55–57, p. 123; c. 111, p. 146.

61) K. H., c. 45, p. 121: *In diebus illis cum claustrum Heinrichov fundaretur erat quidam miles satis potens vocabulo Albertus cognomine in Polonico Lyka sedens in Cepłowod.*

62) K. H., c. 55, p. 123: *comes Albertus ex parte patris de genere Czurbanorum a Thethonia, ex parte matris Romanus a platea Romanorum Wratislaue.*

da for at least several years before 1222<sup>63</sup>). Thus, he was conceived in Silesia, and had reached maturity by the end of the second decade of the thirteenth century; his own parents therefore must have been mature around the turn of the twelfth and thirteenth centuries, which was also the latest conceivable period of their migration into Silesia. Fragmentary as it is, this recollection of Albert's origins fits well with Peter's own recurrent image of the later twelfth and early thirteenth centuries as a dynamic period of immigration and expansion of settlement and lordship under active and enlightened protection of Dukes Bolesław the Tall and Henry the Bearded<sup>64</sup>).

After those beginnings, Albert established several associations within the political world of the Henryków region and Silesia as a whole. First, he »joined himself with a special familiarity« to a certain Nicholas<sup>65</sup>) – a cleric of the Wrocław cathedral and a high official of Duke Henry the Bearded, whom Peter recalled as enjoying, by virtue of that office, »rule over the entire land of Silesia, if I may say so«<sup>66</sup>). Second, he married into the local nobility, by »[taking] as wife a daughter of a certain noble by the name of Dzierżko, by whom he begat a daughter«<sup>67</sup>). Both relationships were very important. During the second decade of the thirteenth century (if not earlier) the cleric Nicholas had aggressively built up a landed estate in the Henryków region, used it in 1222 as the initial endowment for the new monastery at Henryków, and, shortly before the year of his death in 1227, recruited the founding group of monks to Henryków<sup>68</sup>). Even while Nicholas was alive, Albert began to capitalize on this connection: he »sa[id] that he was Nicholas's relative«<sup>69</sup>).

Albert's marriage to Dzierżko's daughter ended inauspiciously. In or just before 1229, »his wife suddenly died« after the daughter's birth<sup>70</sup>), perhaps in childbirth. Nothing more is said about the dead wife or the daughter – they seem to fall into oblivion – but Peter portrayed Albert's interlude as a widower quite vividly, in terms of a close and coherent sequence of actions. »After his wife died«, Albert gave the newly established monastery a small portion of »his inheritance of Ciepłowoda, ... to be possessed forever«<sup>71</sup>). Later that year, he »went to Prussia«<sup>72</sup>) – that is, set off on one of the early crusades in the eastern

63) The date of the initial endowment of the monastery, by which time Albert had been, for some time, establishing important political connections in the region, as described below.

64) Ibid., c. 82, p. 134; c. 113, p. 147; GÓRECKI, Rhetoric (as in n. 55), p. 276–277.

65) K. H., c. 54, p. 123: *Albertus iunxit se ei quadam familiaritate speciali*.

66) Ibid., c. 2, p. 110: *Nicolao summe notarie offitium et ut verum dicam regimen totius terre Slezienis ... committeretur*.

67) Ibid., c. 45, p. 121.

68) Ibid., c. 3–10, p. 110–115; Piotr GÓRECKI, Politics of the Legal Process in Early Medieval Poland, in: Oxford Slavonic Papers, New Series, 17, 1984, p. 23–44, at 32–33.

69) Ibid., c. 54, p. 123: *dicens se esse eius cognatum*.

70) Ibid., c. 45, p. 121.

71) Ibid.

72) Ibid., c. 46, p. 121: *Eodem anno ivit ... Albertus pro peccatis patris sui et suis in Pruciam*.

Baltic<sup>73</sup>), and, in that connection, made an additional, conditional post-obit gift to the monastery: »Before departing on that journey, he ordained ... that if he did not return, the cloister of Henryków was to possess the entire territory of Ciepłowoda; while if he did return, the cloister was to receive that part which he had given to it earlier, in the amount of two plows«<sup>74</sup>). In the event, he »came back from Prussia healthy and whole, and later took a German wife, by whom he begat sons and daughters. The cloister has possessed from him and his sons the land which he had granted out of his [estate of] Ciepłowoda peacefully for many years«<sup>75</sup>). Abbot Peter presented these circumstances as in every sense a happy ending – politically, spiritually, and genealogically.

Thereafter, Albert briefly, but importantly, re-enters Abbot Peter's story during and after the dramatic events of the year 1241. Peter's sole thread of biographical continuity across the years 1229–1241 concerns the implications of Albert's earlier attempts to establish a close association with Nicholas. The abbot developed these implications with particular attention to two dates: 1227, the year Nicholas died, and 1241, the year of the death of Duke Henry II the Pious. After a long period of »joining himself« by a »special familiarity« with Nicholas for more than a decade before 1227, and subsequently asserting kinship with the cleric, »[f]or that reason, after Nicholas died, and after the younger Duke Henry, our founder, also died«, Albert »often said that by reason of kinship ... with Nicholas he was the advocate of this cloister«<sup>76</sup>).

In addition, shortly after 1241, Albert took parallel steps to consolidate his association with the monastery. Between 1241 and 1244, he successfully mediated property conflicts between the monks and two other lords, Peter Stoszowic and Przybek, who had seized portions of the monastery's estate in 1241<sup>77</sup>). At Stoszowic's trial before Duke Bolesław in 1244, Albert »spoke the word of the cloister«<sup>78</sup>) – thus enacting the role of advocate to which he aspired – and later, when Stoszowic flagrantly disregarded the duke's verdict, he facilitated a territorial compromise between him and the monks<sup>79</sup>). During the same period, he arranged another compromise, this time with Przybek – who, as Abbot Peter reminded his brothers at just this point of his story, was Albert's brother-in-law by his long-

73) Eric CHRISTIANSEN, *The Northern Crusades: The Baltic and the Catholic Frontier 1100–1525*, Minneapolis 1980, p. 100–101.

74) K. H., c. 46, p. 121.

75) *Ibid.*: *Albertus reversus est de Prucia sanus et incolumis duxit postea uxorem Thetonicam de qua genuit filios et filias. Clastrum ... possedit ab eo et suis filiis terram quam dederat de suo Cepłowod pacifice multis annis.*

76) *Ibid.*, c. 54, p. 123: *unde defuncto ... Nycolao et post paganos ... duce Heinricho nostro fundatore etiam defuncto, sepe dixit Albertus se esse ratione cognationis ... Nycolai advocatum huius claustri.*

77) K. H., c. 108, p. 144; c. 111, p. 146–147.

78) *Ibid.*, c. 106, p. 143: *loquebatur pro claustro Albertus cum Barba.*

79) *Ibid.*, c. 108, p. 144–145.

deceased Polish wife<sup>80</sup>). Also at this point, Peter further observed that »in those days« Albert had been »very powerful near the duke and throughout the entire land«<sup>81</sup>), and closed the narration of the two conflicts as another happy ending: »After those deeds and events, the cloister remained in good tranquillity and peace in this place for a long time«<sup>82</sup>).

Finally, likewise in this period and context, Albert himself took advantage of the circumstances of 1241, in order to expand his estate. He bought from Duke Boleslaw, »for a modest amount of money« – that is, Peter here implied, at a bargain – »two ducal inheritances, Cienkowice and Kubice, which adjoined his holding« of Ciepłowoda<sup>83</sup>). He then reorganized the original base, Ciepłowoda, and the two new holdings into a new expanded estate. He »measured out in those two villages thirty large hides, ... and, having eliminated the heirs of those villages, joined these hides to his village of Ciepłowoda. And so the names of ... these villages were entirely obliterated, and changed to the name of lord Albert's village *Ciepłowoda*«<sup>84</sup>). At one stroke, Albert enlarged the territory of his estate, altered its spatial structure, and redefined the property relations within it – by »eliminating« its previous *heredes* (about whom, or the dynamics of whose removal, Peter said nothing else), and by deliberately changing the names of the space included into the the estate. Thereafter, he »began to settle his [older village of] Ciepłowoda, together with the said [two new] villages, with Germans«, and, in due course, »settled the said thirty hides [and] Ciepłowoda with Germans«<sup>85</sup>). He ended this expansionary cycle by arranging with the bishop of Wrocław tithe obligations of his new German settlers, and, apparently, of other settlers in that small part of the original Ciepłowoda which he had given to the monks in 1229<sup>86</sup>).

By the turn of the sixth and seventh decade of the century, Albert was dead. The one thread of continuity in Abbot Peter's story about him between the 1240s and the 1260s concerned those numerous children issued from his second marriage. Contrary to what he had said in narrating Albert's remarriage, in the context of his aftermath Peter remembered (the males in) this group as a nuisance: »After ... Albert's death, his sons viewed the tithe payment« allowed Albert and his heirs from part of Ciepłowoda »as some kind of rent«<sup>87</sup>). An unspecified conflict ensued between the monastery and Albert's sons over the

80) Ibid., c. 111, p. 146: *Albertus fuerat sororius ... militis Pribiconis.*

81) Ibid.: *in diebus illis circa ducem et in tota terra valde poten[s].*

82) Ibid., p. 147: *Post hec acta et facta erat claustrum illo in loco per longum tempus in bona tranquillitate et pace.*

83) Ibid., c. 47, p. 122: *Unde ... Albertus duas hereditates ducis videlicet Cenkowiz et Cubiz sibi adiacentes modica pecunia aput puerilem ducem Bolezlaum comparavit.*

84) Ibid., c. 48, p. 122.

85) Ibid., c. 49, 51, p. 122.

86) Ibid., c. 51, p. 122.

87) Ibid., c. 52, p. 123.

precise nature of this financial obligation, and »as a result the first-born among them, who was a tyrant, greatly disturbed the cloister«. However, that evil son relented on his deathbed: »When [he] was dying, he wished to do God a great favor, and relaxed the rent payment«<sup>88</sup>). Here, in Peter's recollection, was another difficult interlude with a happy ending. The abbot remembered the aftermath of Albert's life as one entire lifespan, of his oldest son. Therefore, in all likelihood, Albert's »many sons and daughters« conceived after 1229 must have been Peter's own contemporaries, even at that late phase in his life when he undertook to write his work.

Abbot Peter remembered Albert as above all a relentless social climber. He most vividly portrayed Albert's character in terms of a careful, gradual fabrication of politically important relationships, first through informal association with an important actor, thereafter through explicit assertions of a formal tie based on that association, shrewdly timed to the life-cycles of the two actors crucial to the origins of the monastery<sup>89</sup>), and reinforced by other strategies to the same end. Peter characterized Albert as »keen« or »shrewd« (*subtilis*)<sup>90</sup>), and opened the continuous, properly biographical, narration about him with an explanation of that trait: »Although we have spoken at length about Albert . . . , yet it is suitable, and . . . necessary for our successors that we say something more in writing about . . . Albert's person and his keenness«<sup>91</sup>). He closed the same narration with an unusually frank expression of moral ambivalence, tempered by a slightly reluctant positive judgment: »Although for the cloister's future utility we have said . . . some contrary things about him, he should not be separated . . . from the brothers' prayers, but should very much be included in them, because thanks to him the cloister possesses two inheritances«, that is, part of Ciepłowoda and the holding he helped procure from Duke Bolesław II<sup>92</sup>). Interestingly, the best thing Peter remembered about Albert was his role in expanding the monastery's estate. Was the rest of his long involvement with the monastery, despite Peter's emphasis on peaceful and happy endings, shrouded in moral ambivalence?

Albert's story is one of Abbot Peter's many accounts of social mobility – upward, as in this case, or downward, or sometimes both. It is also, as previously noted, the sole biography which Peter cast in terms of (among other things) ethnicity. Therefore, the story works as a case study of ethnicity in biography in general, and, in particular, of the rela-

88) Ibid.

89) On the central importance, to Abbot Peter, of Duke Henry II and Nicholas, see GÓRECKI, Rhetoric (as in n. 55), p. 272–273; GÓRECKI, Politics (as in n. 68), p. 32–40.

90) Ibid., c. 53, p. 123 (*subtilitas*).

91) Ibid.: *Licet in longum de ... Alberto ... extendimus tractatum tamen est congruum et nostris successoribus valde necessarium adhuc de persona dicti Alberti et eius subtilitate scribendo aliquid loqui.*

92) Ibid., c. 57, p. 123: *Licet pro utilitate claustrum futura simus de persona ... Alberti quedam contraria scribendo locuti, tamen non est ab oratione fratrum communi segregandus sed valde adiungendus, quia per eum claustrum possidet duas hereditates unam id est Cenkeviz eius donatione, alteram a duce Boleszlao id est Laurowiz eius prima petitione.*

tionship between ethnicity and social mobility – within an actor's lifetime, and, no less importantly, in the subsequent assessment and interpretation of that actor by Peter, and by his contemporaries and successors. In order best to approximate these subjects, let us, as a point of departure, follow Peter's record pertinent to Albert's ethnicity in the order in which it is presented in the narratives; and then note the significance of that record during Albert's lifetime, and thereafter to Abbot Peter himself, as reflected by Peter's interpretation or evaluation.

Peter's first reference to ethnicity occurs in the initial placement of Albert as an actor in the story – his introduction simultaneously in terms of status (»rather powerful knight«), lordship and possession (»in Ciepłowoda«), and nickname (*Lyka, in Polonico*). That last classification is an example of Peter's frequent reference to an ethnic-specific detail by presenting a word in the vernacular, and identifying that vernacular. However, this criterion of Peter's remembrance of Albert was relatively insignificant. From that point on, Peter never again referred to Albert with his Polish nickname. He repeatedly referred to him as a »knight« (*miles*), a »lord« (*comes*), a »friend« of the »major knights« of Silesia, and, relatively late in the story, as a holder of major »power near« Duke Bolesław II<sup>93</sup>); and he documented Albert's transactions concerning Ciepłowoda<sup>94</sup>). Peter did use a nickname for Albert, but that nickname was not *Lyka*; instead, it referred to facial hair, by words expressed (at least by Peter) in Latin, *Barbatus* or *cum Barba*<sup>95</sup>). The word *Lyka*, Peter's interpretation of it as *in Polonico*, or indeed any other tag related explicitly to ethnicity, disappear from Peter's repertoire of references for Albert. To be sure, like other nicknames, *Lyka* must have had meaning to Albert himself and to his contemporaries – however, Abbot Peter remembered him best in terms of other criteria of classification and social standing. Therefore, it, and any ethnic resonance it had by virtue of being *in Polonico*, were relatively unimportant.

Further on in the story, Peter identified Albert's second wife as an *uxor Teutonica*. Right after that ethnic epithet, our author cheerfully remembered the large progeny achieved by the couple – in sharp contrast to the genealogically meager and rather sad fruits of the first marriage – and he closed that same phrase by a similarly happy description of the monastery's possessory security thanks to that substantial offspring<sup>96</sup>). In conjunction, this close sequence of good news suggests a brief moment of literary celebration of fecundity and possessory security, expressed (partly) in ethnic terms. This association is oblique and fleeting – it would be stronger if Peter had identified Albert's first wife as an *uxor Polona*, but, on the face of his record, he did not. Instead, he presented her as a

93) Ibid., c. 49, p. 122 (*comes*); c. 55, p. 123 (*comes*); c. 60, p. 125 (*comes*); c. 74–75, p. 129–130 (*tuus miles et amicus noster; comes*); c. 111, p. 146 (*vos amici et commilitiones mei*).

94) Ibid., c. 45–51, p. 121–122.

95) Ibid., c. 74, p. 129 (*cum Barba*); c. 108 (*cum Barba*); c. 111, p. 146 (*cognomine Barbatus, cum Barba*).

96) Ibid., c. 46, p. 121 – for the texts, which form a sequence, please see n. 72, 75 above.

daughter of an indigenous lord, Dzierzko, father of a »knight« with the Polish name Przybek<sup>97</sup>) – that is, plainly as a member of that population to which he elsewhere referred by the term *Poloni*. This is the sole passage where Abbot Peter seems to have attached a value to ethnic difference, in favor of the group with which he himself identified, the Germans – a value expressed in terms of fertility and social peace. However, here as elsewhere, Peter's use of ethnic epithets (whether in adjectival or noun form) is asymmetrical, conjectural, and, most important, subsidiary to his concern with more central issues – at this point of his story, succession and property.

Thereafter in his narration, Abbot Peter identified as *Teutonici* the peasants whom Albert recruited into the expanded Ciepłowoda. This is not surprising, since, throughout his work, recent settlement was the paradigmatic trait of the people whom he identified with that word. However, and curiously, he recalled Albert's recruitment of the Germans among the »many evils ... occurring in the land« after 1241<sup>98</sup>) – thus situating this particular *locatio* within a political and ethical context of which he strongly disapproved, an aspect of that same socio-political rupture which he elsewhere associated with illicit assarting by a »foolish« bailiff and his German peasants. On this occasion, one part of that rupture was the »elimination« by Albert of the »heirs« of Cienkowice and Kubice right after he annexed the two villages. Characteristically, Peter did not identify those *heredes* with an ethnic term parallel to *Teutonici* – though here, too, we may surmise that they were part of that indigenous population which he elsewhere identified as the *Poloni*. Nor did he say how Albert »eliminated« them, although the word implies that their departure was unceremonial, involuntary, prompt, and unproblematic – perhaps the kind of displacement of an indigenous population of which the Polish peasants of Dolany complained later. In any event, insofar as those indigenous *heredes* mattered to Peter at all, they mattered because they had once had some kind of proprietary interest in Cienkowice and Kubice, but subsequently lost it. In other words, the interesting issue concerning those original *heredes*, the *Teutonici* who displaced them, and, at this stage of the story, Albert himself, was aggressive estate expansion, not ethnic classification of the populations involved in it.

Fourth, and finally, Abbot Peter referred to ethnicity in his reconstruction of Albert's ancestry and descent – *de Germania* through his father, and as a *Romanus* through his mother<sup>99</sup>). Our author viewed this particular subject, and the ethnic reference by which he expressed it, as especially important. He situated this subject apart from the biographically continuous, chronological portion of Albert's history. He introduced it, and the entire passage in which he narrated it, as an interpretive coda to that properly biographical section: this is where he paused to declare, »for the utility of the cloister«, the need to »say

97) Ibid., c. 45, p. 121.

98) Ibid., c. 49, p. 122: *Cum ... hec et alia multa mala his similia et ducibus valde nociva in terra agerentur cepit ... Albertus suum Cepłowod una cum prefatis villis Thetoniciis locare.*

99) Ibid., c. 55, p. 123.



something more« about »this« Albert, where he characterized him as *subtilis*, and where he concluded with his plea to the monks not to exclude him from commemoration despite the »few contrary things« he had to say about the knight. In other words, what most strongly elicited Peter's ambivalence, indeed disapproval, was the subject of Albert's ancestry.

The ambivalence is explained by Peter's reason for reconstructing Albert's ancestry – namely, refutation of Albert's putative kinship with Nicholas, and with it the entire original premise on which, since perhaps as early as the second decade of the thirteenth century, Albert had systematically built his network of political associations. Albert must have succeeded in his efforts, because the plausibility – the social acceptance – of his kinship with Nicholas required Abbot Peter's intervention in the 1260s. As in his response to the problem of Stephen Kobylągłowa, Peter framed the refutation, and its implications for the monastery, as a formal proof, directed explicitly and didactically to his monks. He promised them to demonstrate »[t]hat Albert should not [be considered as] joined to Nicholas by any tie of kinship«<sup>100</sup>. He did so by recalling, and distinguishing, the two men's lines of descent, Albert's »from Germany« through his father, and from the Walloon quarter of Wrocław through his mother, and Nicholas's from »the province of Kraków«; then glossing the two lineages with a triumphant exclamation of proof, *Ecce cognatio*; then reiterating the accurate »[k]nowledge about kinship between Nicholas and Albert«<sup>101</sup>; and, finally, by presenting his monks with an emphatic and characteristically belabored political lesson: »Thus we again and again persuade our successors, that, after viewing these writings and statements, they shall place no man over themselves by reason of any kinship, except only those who issue or may issue from the stock of the glorious duke of revered memory, Henry the Bearded«<sup>102</sup>.

Among Peter's fragments of ethnic detail concerning Albert, this passage is the most revealing. Significantly, Peter reconstructed Albert's ancestry only at this point in his story, that is, in the specific context of refuting the implications of Albert's successful fabrication of an association with Nicholas. Thus, on the face of the record, the fact of Albert's descent *de Germania*, or as a *Romanus*, was, once again, important not intrinsically, but for a more fundamental purpose: because, if known, it affected Albert's and the monastery's position in the local political universe. On this occasion, Peter's use of an ethnic criterion of classification closely corresponds to his treatment of the plausible claims of the successors of Stephen Kobylągłowa *iure Polonico*. Our author became attentive, in-

100) Ibid.: *Ut Albertus nulla cognatione esset coniunctus Nycolao.*

101) Ibid., c. 55–56, p. 123: *et dominus Nycolaus ut dictum est natus de provincia Cracovie. Ecce cognatio ... Noticia cognationis inter Nycolaum et Albertum.*

102) Ibid., c. 56, p. 123: *Conspectis ergo his scriptis et dictis notis successoribus iterum atque iterum suademus ut nullum hominem ratione alicuius cognationis super se trahant, nisi solos illos qui de styrye gloriosi ducis venerande recordationis Heinrici Barbatii processerunt vel precesserint.*

deed very attentive, to ethnicity specifically when ethnic differences bore upon some broader, and to him more fundamental, issue – here, placement (or restoration) of his monastery within a secure political configuration. The danger here was not, perhaps, open conflict or legal dispute – rather, it was a tension between different social memories concerning kinship, which, unless sorted out, threatened to affect a whole range of other relationships. Once more, then, Abbot Peter's treatment of ethnic difference in the passages concerning the »person« and the »shrewdness« of Albert the Bearded, was instrumental to the interests of the monastery in an altogether different domain.

## 4.

What do these three cases tell us about the meanings and consequences of the encounter between Poles and Germans in medieval Poland? In what sense do they show moments, or processes, of assimilation, resistance, group formation along ethnic lines – or, indeed, something else? How do the answers situate these two cases, and the major issues they exemplify, within a »European« geographic and conceptual framework?

The cases reveal three closely related patterns. First, ethnic difference was not fundamental. Ethnicity, both as a historical phenomenon and as a criterion for classification of people and attributes, was secondary to other matters. Second, the contemporaries' classifications of particular populations, traits, or events in ethnic terms were usually oblique and implicit, rather than direct and explicit. Third, the parties to conflicts that concerned ethnic difference were not necessarily, or even typically, members of those ethnic groups. Instead, the fundamental issue relevant to ethnic difference was discrepancy, among those people who mattered, in the interpretation of particular events, transactions, areas of knowledge, or other elements of social reality, which, unless successfully bridged, threatened to, or did in fact, result in conflict, or in political tension. That discrepancy may have been among Poles and Germans, as was the case at Dolany, and as Abbot Peter expected regarding Głębowice; or, it may have concerned some area of political or legal reality which otherwise related to ethnicity, such as the lineage of Albert the Bearded. Likewise, the resulting conflicts or tensions may have pitted actual Poles against actual Germans, as Abbot Peter of Henryków feared in connection with Stephen Kobylągłowa; but, more typically, it seems that discrepancies of this type complicated and exacerbated tensions among an array of parties, concerning an array of wider issues.

In all these cases, one common approach to the prevention and management of conflict with an ethnic dimension was bridging that discrepancy – by performing some act of interpretation, or what might be called translation in a cultural rather than a linguistic sense, of those realities that were likely to result in conflicting expectations and actions. Where the parties were far apart in terms of relative power – as was the case in Dolany – that interpretation could be crisp, short, and declaratory: outcomes of law, status, obligations, or

property were simply proclaimed, and, at least apparently, silenced alternative interpretations. Where actual and potential parties were, however precariously, in a balance of political and social power – as in and near Henryków – that interpretation required an interesting process of negotiation, authoritative explanation, ethnographic description, explicit clarification of ambiguity, and, not least of all, translation across a linguistic divide. Those were the functions performed by Abbot Peter, a German among Germans and among Poles, in his role as ethnographer.

These considerations bring us at last to resistance, assimilation, and group formation. Conflict or tension – over property, status, or kinship – may, when overtly experienced, be viewed as a type of resistance. However, resistance implies a specific object, or person, being resisted, and our three cases show that typically, acts of resistance were not directed at people across the ethnic divide. Resistance occurred regarding issues more fundamental than ethnic difference – lordship, status, property transfer, kinship, regional politics – but that difference affected the substantive detail in which those issues were experienced.

Assimilation is more complicated because the word is ambiguous. It may mean either some significant degree of mutual acculturation among two (or more) populations, or it may mean considerably less – namely, contacts and exchanges among populations that may or may not result in such acculturation. Albert the Bearded's life story reflects assimilation in both meanings – and further exposes its ambiguities. As far back as Peter's memory extended, Albert had been, above all, an active partner in several very important relationships: with Nicholas, with the dukes of Silesia, and with the Henryków monastery. Through Nicholas in particular, he successfully maneuvered into effective – that is, socially recognized, although fabricated – membership in Nicholas's family group. That family group was indigenous, that is, it pre-existed Albert's activities and perhaps it antedated his presence at Ciepłowoda – but, as usual, Abbot Peter did not explicitly identify it as Polish, or its members as *Poloni*.

In the process of establishing himself within it, Albert successfully obscured his own recent descent from two foreign lineages, one German, the other Walloon. Although a switch of ethnic identity was not his purpose, Albert consigned the ethnic specificity of his own origins to oblivion. By plausibly passing as a member of another descent group, he, in effect, became similar to Nicholas and the wide circle of other »friends« with whom Nicholas's kindred was connected. This was clearly acculturation within which ethnic difference was an area of negotiation – and, if we assume that Nicholas and his kindred were indeed *Poloni*, it was also acculturation across the ethnic divide. It was so thorough that, sixty years after it began, Abbot Peter felt the need to retrace, and reverse, the entire process.

At this point, it is worth asking exactly what, as a result of his manipulation of social memory concerning his ancestry, Albert became acculturated *in*. The answer is social practice. Right from his earliest association with Nicholas, he discerned and skillfully applied the appropriate strategies for initiating a »friendship« with an important person in

the region, capitalizing on that »friendship«, and enacting the social roles to which that »friendship« gave him access. This highly pragmatic convergence with his contemporaries is a good example of using what Gerd Althoff has, in a different context, called the »rules of the game« operating in a society<sup>103</sup>). One aspect of these »rules« at work was social knowledge and oblivion of kinship – and with it, for Albert, a potential for negotiating away a barrier between himself and significant others. Because, in Albert's case, that lineage was ethnically distinct, in his instance the »game« consisted in deliberate obfuscation of ethnic difference. This, from Peter's perspective, was the precise relevance of ethnicity to Albert's social climbing. The abbot's subsequent response to Albert's strategy was another act of interpretation for the benefit of his monks, on a crucial subject related to ethnic difference, but, as always, not reducible to that difference, or important principally because of it.

Now we may turn to what Albert was *not* acculturated in. It seems anachronistic, indeed meaningless, to describe him either as ceasing to be German or Walloon, or as becoming Polish, »polonized«, or somehow »Silesian«. As Peter remembered it, Albert's acculturation instead consisted in an eclectic but (from Peter's viewpoint) very systematic and effective use of several social resources – friendship, aggressive land acquisition, pious gifts, crusading, marriage and remarriage, and, most importantly, passing for a native – of which several were, on the face of the record, related to ethnic difference – and which, most importantly, Albert used very pragmatically, for purposes and with meanings other than ethnic identification. We, today, may, if we wish, view Albert's life as an aspect of the »germanization« of Silesia, or the »polonization« of Albert, or something similar – but I am quite certain that Albert and Abbot Peter were not thinking in such terms, and would have found them baffling.

On the other hand, on the face of the record, the *kmiecie* and the *Teutonici* from Dolany, or the *Poloni* and the *Teutonici* noted by Abbot Peter, did not become, in any meaningful sense, either more alike, or more different from one another, as a result of their mutual encounters during the thirteenth century. Of course, this may have happened, and I do not mean positively to assert that it did not; the point here is that assimilation in this sense of the word is not what our two cases actually show. What they do show are events, or moments, when, for better or worse, populations on the two sides of the ethnic divide achieved a common interpretation of some important area of social reality relevant to conflict. After 1325, the *kmiecie* of Dolany were clearly apprised of the determinants of property rights and expectations, and of the weight of the written record, which they had been contesting in connection with their German neighbors. Likewise, after perusing or hearing Abbot Peter's story about Stephen Kobylągłowa, the monks of Henryków were better informed than otherwise about the practical pitfalls – and advantages – of »Polish law«.

103) Gerd ALTHOFF, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde*, Darmstadt 1997.

Abbot Peter himself personified assimilation understood in this way – as he translated, interpreted, informed, and cajoled his monks about the differences, and the potential for mutual intelligibility, among the laws, customs, memories, and fears specific to the Germans and to the Poles. To invoke, again, Althoff's happy phrase: the moments of intercultural contact mediated by royal power in Dolany, and by careful ethnographic interpretation in Henryków, must have left all concerned – peasants, monks, Poles, Germans – much better informed than they would have been otherwise about the »rules of the game« entailed in the accomplishment of a relatively secure and predictable (though not, to all concerned, desirable) societal coexistence.

The interpretation of important areas of reality in terms of ethnic difference, and the resulting moments of convergence, must have offered the participants a sharpened sense of just what it meant to be German or Polish – or, on the other hand, what it meant to deliberately obscure, or forget, that distinction. Nothing expresses this better than Prior Vincent berating »you Germans« for not understanding the Polish law of property, or Abbot Peter's exclamation *Ecce cognatio!* after reminding his monks of Albert's foreign lineage. An encounter between the *Poloni* and the *Teutonici* underscored a difference between those two populations, drawn in explicitly ethnic terms – even as it ultimately bridged that difference. This heightened sense of difference may in itself have been a short segment in the emergence of the Poles and the Germans as meaningfully distinct ethnic groups. This is how our two case studies reflect a process of the »formation« of ethnic groups, as well as of encounter between them.

Placing the two cases in a »European« context depends largely on the scale and level of generality at which that context is conceived. At the broadest level, they reflect the very long processes of dynamic expansion of lordship, agriculture, settlement, peasant status, and tenure that affected Europe in its entirety during the central Middle Ages. More regionally, they are glimpses of that settlement of ethnically alien populations, or what Robert Bartlett calls »diasporas«, among indigenous peoples, which defines the »frontier« regions of medieval Europe<sup>104</sup>). Within the Piast duchies, the cases reflect different trajectories of change of peasant status in Great Poland and Silesia. Finally, Abbot Peter's history gives us a very localized glimpse of one of the frontiers of settlement *within* the Piast duchies.

However, for present purposes a more important type of »European« context is not related to geographic scale, or level of conceptual abstraction, but, instead, concerns the issues that made up ethnic encounter as an experience: conflict and its management; property; uses of the past; and access to the past through oral and written record, archival recovery, and memory. These determinants, or factors of, interethnic encounter correspond to

104) BARTLETT, Making (as in n. 14), p. 24–59, where, however, he limits the term »diaspora« to royal, knightly, seigneurial, and ecclesiastical groups. A magnificent case study in the knightly component of that »diaspora«, in one region, is JUREK, *Obce rycerstwo* (as in n. 40), in its entirety.

social practices of all populations throughout medieval Europe, and are subjects of current interest among medievalists concerned with all regions of the Continent. The result, of course, is hardly a full paradigm for interethnic relations in medieval Poland, or Europe – but it is, I think, one possible paradigm for the meanings of ethnic difference and interethnic encounter.