

University of Groningen

Legal perspectives on European nobilities

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Published in:
Virtus. Journal of Nobility Studies

DOI:
[10.21827/virtus.27.170-171](https://doi.org/10.21827/virtus.27.170-171)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2020

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

van Steensel, A. (2020). Legal perspectives on European nobilities: Review of Michael Sayer, Nobles and nobilities of Europe. A history of structures, law and institutions (London etc.: I.B. Tauris, 2020). *Virtus. Journal of Nobility Studies*, 27, 170-171. <https://doi.org/10.21827/virtus.27.170-171>

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Arie van Steensel

Legal perspectives on European nobilities

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Michael Sayer, *Nobles and nobilities of Europe. A history of structures, law and institutions* (London etc.: I.B. Tauris, 2020, 4 vols, 1862 p., ill., index)

To write a history of nobles and nobilities of Europe from the Roman times to the present is an exceptional task that Michael Sayer sets himself, and this study was indeed long in the making. In order to limit the scope of his ambitious goal, he takes a legal rather than a political, a social or an economic approach to nobility, which he understands to be 'an institution recognised in public law'. Still, the author could fill four volumes with a discussion of themes more and less directly related to nobility in its different manifestations from the British Isles to Eastern Europe. The study reminds us of the work by M.L. Bush, whose *Noble privilege* (1983) and *Rich noble, poor noble* (1988) provide a comparatively concise, but helpful starting point for studying the history of the European nobility.

The first volume of *Nobles and nobilities of Europe* starts with a general political-dynastic history from the Roman period to the polities that emerged with the demise of the Carolingian Empire, focusing on power structures, personal power relationships, offices and titles, and property rights. The third chapter of this volume gives a lengthy overview of feudalism (an institution that was only abolished on the continent around 1800), in which attention is given to tenure, lordship, and marital and inheritance rules. The second volume addresses the topics of knighthood, heraldry, and 'civic nobility', while the third discusses the role of the nobility as office-holders, their titles, and their privileges. The last volume concerns itself with processes of ennoblement and proofs of nobility in the early modern era. It also includes a brief epilogue, in which Sayer discusses the fate of the nobility in European coun-

tries after the French Revolution, concluding that ‘nobility survives as a language within the broader language of human discourse, with its own vocabulary, and makes its own historical statements even where no longer recognised in public law’ (1433).

The author shows admirable knowledge of the legal sources pertaining to the status of nobility in premodern Europe, and he discusses exemplary cases in an erudite, concise and systematic manner. The four volumes are a treasure trove of better and lesser known references, which attests to the impressive scope of the author’s knowledge. This observation also raises a number of questions. What is confusing, first of all, is that the objective of the study and its methodology are nowhere explained by the author. Hence it is difficult to assess the extent to which he succeeds in achieving his goals, or what the scholarly merits of the study are. Judging from the recent developments in the field, it is furthermore problematic that the focus on the ‘law of nobility’ is tied to the ‘state’, resulting in different ‘institutions’ (xii). None of these key concepts are defined, while states only sought to define nobility in the early modern period, meaning that nobility had been a matter of social recognition and customary law in the preceding centuries. Unfortunately, Sayer does not engage in scholarly debates about the evolution of nobility (for instance, the debate on the ‘feudal revolution’ and the emergence of knighthood is not mentioned, although he refers to the relevant literature), presenting his interpretations as undisputed facts. If more recent research had been systematically incorporated into the study, as, for example, the work of Frederik Buylaert on the nobility of late medieval Flanders, it would have become clear how complex the self-definition of the medieval nobility as a social group was, or to which extent it makes sense to use the notion of civic nobility.

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Ultimately, Sayer does clarify how the aristocrats, office-holders, and military men that figure in the book can be brought together under the common denominator of nobility. For example, how much exactly did a Roman senator have in common with a member of an eighteenth-century *szlachta*-family? Although he consulted the work of Susan Reynolds, he ignores her warning not to assume the identity of contemporary concepts with words and social phenomena of the past. Next to this rather ahistorical perspective on nobility, the study is quite descriptive, without raising questions about explanations for the changing nature of the noble status. It is also not at all clear how the sources and examples have been selected and what they represent. Without a clear justification and discussion of the sources, the book remains a chronological anthology of references to nobility and many other related themes. Finally, the lack of leading questions affects the book’s readability; the chapters are long and relatively inaccessible, in which the reader easily loses the line of argument and the relevance of the many enumerated examples.

In sum, the study does not meet the expectations evoked by its title for the reasons given. This is unfortunate, because an up-to-date introduction to the history of European nobility in English would be very welcome. The immediate scholarly relevance of *Nobles and nobilities of Europe* is difficult to discern, but some readers will undoubtedly be interested in the many sources and cases presented in the book.

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