

Me, myself and my name:

Naming and identity in the late Middle Ages

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It is to be regretted, that the proper names of individuals are upon so irregular a footing. Those distinctions, invented in the infancy of society, to provide for the wants of a hamlet, only imperfectly accomplish their object in a great nation.¹

Jeremy Bentham († 1832), lamenting the ‘nominal confusion’ of his days, proposed as a remedy ‘a new nomenclature [...] so arranged, that, in a whole nation, every individual should have a proper name, which should belong to him alone’. Indeed, Bentham went on, it would be even better to adopt the ‘common custom among English sailors, of printing their family and christian names upon their wrists, in well-formed and indelible characters’.

One and only one name for every individual, exclusively designating this person, on whose body it would be tattooed – this idea sounds familiar given present-day debates, be it on the introduction of ID cards in England, recent German jurisdiction on family names or the uses of biometry. Personally, we may find Bentham’s ideas frightening – and yet, as historians we may secretly wish that the nomenclature in our sources were remotely as clear as the one he proposed. Both homonymy (names shared by many people) and name changes (persons with many names) can render life difficult for the historian. And yet, as I want to argue in the present article, precisely these phenomena are highly relevant for the historian interested in pre-modern individuality.

My approach to ‘individual identity’ and to ‘social groups’ here is inspired by recent research into practices of representation. While ‘representation’ had traditionally been linked to elaborate narrative, in particular in the form of autobiography or family chronicles, scholars more recently have begun to take into account non-verbal forms of representation as well. At the same time, medieval historians have asserted the fundamental role of sign systems both for the constitution of social groups – ‘no kinship without representation’² – and for individual identity.³ The signs ‘representing’ individuals and groups (often both at the same time) are multifold: given names, surnames, seals, coats of arms, notary signs, signatures, trade marks, clothing, hair cuts, scars, pilgrim badges, jewellery, ... They do represent the individual not because they are ‘unique’ (what they normally are not) but because they both help to single

¹ Bentham, *Works*, vol. 2, p. 557.

² Morsel, ‘Geschlecht und Repräsentation’. In general, cf. Oexle, ‘Soziale Gruppen’.

³ von Moos, ‘Einleitung’; Rubin, ‘Identities’.

out the individual *and* to locate him or her within a certain social context.

Both aspects of the name have to do with individual identity. As they are used by the community of speakers to refer to the same person again and again, names are an important means of any attribution of acts to a given actor, and this can rightly be described as the most fundamental aspect for the formation of individuality. Evidently, ‘having a name’ in this context means being referred to by the same name over an extended period of time. Yet this very stability of the name leads to a first paradox: while the name is necessarily stable at least to some extent, the process of identity formation is dynamic. In other words, the person will change, but the name will not. Therefore, the stability of a name can be described as being illusory; for the same reason it can be seen (as Bourdieu has argued) as being normative in the sense that it asserts and indeed demands the identity of the one named over time.⁴ As will be argued in detail below, multiple and changing names, for the very reason that seemingly they violate the logic of identification, are of particular interest for the historian.

The second aspect of the name concerns the social aspect of acts of naming. Just as the act of naming is an entry into human society, specific groups can use particular forms of naming to receive group members. In particular, many groups do use shared or similar names for all their members. These practices are found with many groups, ranging from families sharing a surname to nations with ‘typical’ names. Indeed, the same can be said of other techniques of identification by other sign systems already quoted above. To mention only some recent medieval scholarship, studies on heraldic signs,⁵ seals,⁶ and clothing⁷ have taken a similar approach to ‘shared’ signs of representation. Again, the use of multiple signs – in our case, names – calls for special attention. Different names may express different affiliations, either consecutively or simultaneously, and the choice between several names may be linked to the assumption of different roles.

In a nutshell, this is the concept underlying my current research project on late-medieval naming practices.⁸ In the present article I shall employ this approach to empirically test some implications of Luhmann’s concept of pre-modern individuality. At the core of his concept there is the assumption of a marked difference between modern and pre-modern individuality.⁹ Contrary to other models, however, this is a claim concerning the modes of individuality, not its existence or non-existence (or its ‘birth’). The crucial difference, according to Luhmann, is the change from individuality determined by ‘inclusion’ to the

⁴ Bourdieu, ‘Illusion biographique’.

⁵ Paravicini, ‘Gruppe und Person’; Pastoureau, *Histoire symbolique*.

⁶ Bedos-Rezak, ‘Medieval Identity’; Judde de la Rivière, ‘Du sceau au passeport’.

⁷ von Moos, ‘Mittelalterliches Kleid’; Arlinghaus, ‘Gesten, Kleidung’; Bohn, *Inklusion*, pp. 95–125.

⁸ For the project, see the English abstract: <http://www.exc16.de/cms/284.html?&L=1>.

⁹ Luhmann, ‘Individuality of the Individual’; idem, ‘Inklusion und Exklusion’.

‘exclusion’ of the individual. While in modern societies even the strongest group allegiances only offer (or expect) the individual to participate in certain roles but exclude the ‘whole’ persona, according to Luhmann pre-modern social groups, above all the family, include the ‘whole’ persona.¹⁰ Persons may belong to more than one group, but the inclusion in the (household) family was fundamental in the sense that it affected the place of the individual in very many systems (religion, economy, etc.). In this sense, Luhmann claimed, people were born into ‘estates’ or ‘orders’ (*Stände*), which determined their individuality by assigning them a position in spheres that in modern societies tend to be separate. Legal status, for example, in the medieval city was tied to economic, religious and moral conditions, while modern society has not only extended citizenship in a quantitative sense but also has done so by largely detaching it from the question of economic power, religious affiliation or moral behaviour.

Quite independent of the intellectual challenge Luhmann’s work presents to any reader, medievalists face particular problems when being confronted with this model. As medievalists, they often feel uncomfortable with Luhmann’s description of pre-modern society as being stratified and structured by ‘estates’ one was born into.¹¹ On the one hand, this vocabulary is all too familiar from pre-modern (including medieval) normative sources, yet on the other hand it is hardly the preferred analytical vocabulary – at least not anymore, one should add. In several fields of medieval history recent research has indeed produced findings that run counter to the historiography Luhmann was relying on. This is particularly true for studies on the medieval nobility and the family. As Luhmann readily confessed, his model would be seriously called into question if the ‘nobility’ as he perceived it could not be taken as granted for the Middle Ages;¹² hence, the idea that the nobility emerged only towards the very end of the medieval period can be expected to seriously challenge Luhmann’s model.¹³ Recent research into the medieval family also calls into question many of Luhmann’s assumptions in this field. Following the lead of anthropological studies of the 1970s and 1980s, medievalists have come to emphasize how the various forms of ‘kinship’ (e.g. spiritual kinship) and the medieval concept of marriage weakened affiliations based on descent.¹⁴ More generally, for a long time now medieval historians have highlighted the importance of social groups constituted by oath rather than birth for medieval society. Medievalists have quoted

¹⁰ Luhmann, ‘Mein “Mittelalter”’; cf. Bohn, *Inklusion*, p. 55.

¹¹ Oexle, ‘Luhmanns Mittelalter’.

¹² Luhmann, ‘Mein “Mittelalter”’, p. 67.

¹³ Morsel, ‘Inventing a Social Category’; idem, *Aristocratie médiévale*; Oexle, ‘Perceiving Social Reality’; idem, ‘Konsens – Vertrag – Individuum’.

¹⁴ Mitterauer, ‘Mittelalter’; idem, *Warum Europa?*, ch. 3.

the latter findings in a direct response to Luhmann,¹⁵ as they have pointed out the importance of Christian semantics of inclusion stressing equality before God.¹⁶

These are important points that have to be raised given Luhmann's oversimplified depiction of medieval society and family. Indeed, it is evident that Luhmann often fell prey to a general tendency of historical research, that of overestimating the importance of kinship solidarity for pre-modern societies and underestimating it for modern society.¹⁷ It is therefore a dated scholarly consensus of their own discipline rather than Luhmann's model as such that historians are mainly offended by. Furthermore, while Luhmann may have exaggerated the importance of kinship relations for pre-modern societies, one should not fall into the other extreme. In medieval Europe kin was all-present: family relations mattered in all possible spheres (politics, economy, religion etc.), and almost all meaningful social relations were described in kinship terminology ('god-sip', brotherhoods etc.). For this very reason, however, it is also necessary not only to consider the importance of 'the family' as being opposed to other groups and corporations, but also about family structure and the constitution of 'the family' in the Middle Ages. Again, medievalists looking at Luhmann's work may feel uncomfortable with the dated view of kinship structure it conveys. Nonetheless, this reliance on a now dated scholarly consensus has to be ignored for any fruitful debate on Luhmann's concepts.

In the present article the focus is on late medieval naming practices, in particular the use of the 'family name' or surname (both terms will be used synonymously), defined as a name separate from the given name shared by several family members and commonly inherited from one's parents. The use and non-use of such names can be seen, in Luhmann's terms, as structuring communication. To give a very simple example, using one's surname (only) in official contexts and given names only in colloquial situations are communicative acts structuring the respective situation, in the sense that the situation becomes 'official' or 'colloquial' by people addressing each other or introducing themselves by one name or the other. Given Luhmann's assertions on the inclusion of the individual into 'estates' by inclusion into 'families', I will look at differences in naming in different social groups. In addition, the family name presents itself as a form of expressing 'inclusion' into the family. The focus will be on naming practices that can be linked to the assumption of specific roles and/or multiple allegiances. According to Luhmann, affiliation to multiple groups in pre-modern society was possible only as long as it did not question the 'primary' distinction

¹⁵ Oexle, 'Luhmanns Mittelalter'; idem, 'Gilde und Kommune'.

¹⁶ von Moos, 'Inklusionsindividuum'; Hahn and Bohn, 'Partizipative Identität'.

¹⁷ Lipp, 'Verwandtschaft'; Sabean/Teuscher, 'Kinship'.

according to ‘estates’.¹⁸ Hence, naming practices that can be linked to the assumptions of roles are a test case for some of Luhmann’s claims. Instead of looking for spectacular exceptions to the rule, I will concentrate on the use of names as every-day forms of communication, carefully weighing the evidence there is for playing ‘roles’ as opposed to the inclusion of the ‘whole’ persona.

Family names: a very short history

First of all, let us very shortly consider the historical development of the family name as a sign system. The family name is part and parcel of the ‘European naming system’, as it is commonly referred to, which emerged in the Middle Ages.¹⁹ However, it should not be forgotten that in Latin Europe there were several distinct naming systems, and that the family name as a surname transmitted in the male line from one generation to the next is tied only to one of these systems. Although various forms of binominality emerged in most European societies, the family name established itself mainly in north-western continental Europe (including post-conquest England). Here, the family name emerged in the eleventh and twelfth centuries and became almost universal in the later Middle Ages, largely replacing other forms of designation in many contexts. In many medieval societies, however, other practices persisted well into the nineteenth century. Various forms of patronymic designation are found in the Mediterranean world, in the Scandinavian and Gaelic societies and among the Jews, to name only the most important ‘exceptions’. In all these societies ‘family names’ were less common than in the Christian societies of continental Europe north of the Alps. A second indicator that the naming system of north-western Europe should be seen as distinct from – though certainly not independent of – that of other European naming systems is the practice of the so-called married name. While the married name – the assumption of the groom’s family name by the wife at marriage – was an integral part of the north-western European naming system from its beginnings, it remained unknown or at least unimportant outside the German-speaking countries, northern France and the Anglo-Norman realm. This divide is visible even in the modern legal history of the married name, which in England and Germany was legally enforced.²⁰ In France, the married name was never recognised legally, but social custom was so predominant that even today it is a common belief that the name change at marriage was demanded by law.²¹ In countries with a strong patronymic tradition, in contrast,

¹⁸ Hahn and Bohn, ‘Partizipative Identität’, pp. 19–23; Arlinghaus, ‘Improvised theatre’ and idem, ‘Mittelalterliche Rituale’, esp. p. 148.

¹⁹ Mitterauer, *Ahnen und Heilige*; cf. also note 21.

²⁰ Squibb, ‘Name and Arms’, p. 220; von Spolena-Metternich, *Namenserwerb*, pp. 79–81; Sacksofsky, ‘Eheliches Namensrecht’, p. 76.

²¹ Jeauffreau, ‘Nom marital’, p. 215, speaking of ‘usage perçu comme une obligation légale’.

the married name was never recognised legally (Spain and Iceland, for example), or if so, only for a relatively short period (e.g. Finland, Sweden and Scotland). Another feature that seems to be linked to the emergence of the ‘European naming system’ in north-western Europe is the opposition to double names as (legal) names in these regions.²²

Having established the geographical framework, let us briefly consider the development of this sign system in time and among different social groups. The earliest evidence comes, not surprisingly, from the nobility; given the bias of transmission, one should be very careful with any arguments *e silentio* for other social groups. Yet there are indicators of the development of specifically noble names, as among the landed elites ‘family names’ were derived first and foremost from toponymics typically referring to estates and, above all, castles. While it is generally agreed that this form of reference established itself in the high Middle Ages – in the eleventh century in modern France,²³ soon after 1066 in England,²⁴ and in the twelfth century in Germany²⁵ – precise dating is seriously hampered by the fact that it is often impossible to distinguish between noble ‘names’ and ‘titles’. However, in the eleventh and the twelfth centuries the nobility can be shown to retain toponymic designations even where the actual possession was lost (or never held) and vice versa to refer always to the same castle (*Stammburg*) even if they possessed several ones.²⁶ The toponymic reference thus had become a name transmitted independently of the possessions and rights it patently referred to.

Compared to the noble surname, family names in other social groups are at first sight different; phenomenologically at least they are much more manifold. In the medieval cities heritable surnames as a rule were derived from individual by-names, most commonly referring to occupation, descendance (patronyms), origin or individual characteristics (sobriquets). At least with occupational names and many sobriquets it is evident that these surnames were derived from social roles in a very similar way as noble names were derived from titles – a feature I will come back to later. Especially in northern Europe these names (occupational names and sobriquets) were the most common types of surnames in the Middle Ages; indeed, they have remained the most common ones until today, with names meaning ‘smith’ (*Smith, Lefevre, Schmid, Kowalski, Kovács, Ferrari*) and various names derived from (hair) colours being among the most frequent ones in most European countries.

While in the long run the family name became common in all social groups, the

²² Feschet, ‘Surname’, p. 64.

²³ For an overview over the recent French research by Monique Bourin and her *Groupe de recherche d’histoire de l’anthroponymie médiévale* in English, cf. most recently *Personal Names*, ed. by Beech and others.

²⁴ Holt, *What’s in a name*.

²⁵ Mitterauer, *Ahnen und Heilige*.

²⁶ Duby, ‘Lignage’, pp. 396–99; Holt, *What’s in a name*, pp. 16–18; Schmid, *Gebliut, Herrschaft, Geschlechterbewusstsein*, pp. 140–42.

question of the relative chronology remains disputed. It is often held that the spread of the surname was a top-down process driven by the ‘imitation’ of the elites by those lower down the social hierarchy. As will be discussed below, there are good arguments against this model, but for the moment it is much more important to highlight the long-run success of the family name in all strata of society. At least in the later Middle Ages the surname can positively be shown to spread in all strata of society. Again, there is a marked difference between north-western Europe and the Mediterranean world. By the end of the Middle Ages many sources designsted even the poorest inhabitants of small north-European towns by their surname, while in the Italian cities the family name remained the exception rather than the rule well into modern times. Thus, to quote a random example, the extant tax rolls from fifteenth-century Esslingen contain a considerably higher ratio of entries with surnames than those of seventeenth-century Florence, let alone any earlier Tuscan sources like the famous 1427 *Catasto*.²⁷

Names or titles? Functional uses of the family name

What, if anything, has all this to do with pre-modern identity? In the following I want to study not the above sketched ‘naming system’ but rather the use of family names in communication with special regard to the question of the assumption of roles by employing these names. The genesis of the noble family name from titles is, if indirectly, part of my argument which is based on the distinction, or rather the impossibility of a neat distinction, between ‘surnames’ and ‘titles’. This is not to doubt that (noble) surnames were names in any sense of the term; among other things, they became object of genealogical pride that can only be explained by their quality as names. Quite evidently, they linked the bearer to his ancestors of the same name. In a world that defined ‘noble’ as ‘having a well-known name’,²⁸ this aspect of the surname certainly incited nobles to care for their name and to transmit it from one generation to the next. It was also a reason for using an inherited, famous name; every use was potentially a claim to noble descent.

And yet, in certain cases even the bearers of well-established and indeed ancient family names systematically refrained from using their family names. The most evident example are bishops, almost invariably drawn from the nobility, who in their charters hardly ever used their secular titles but rather their ecclesiastical ones, and likewise replaced their family’s coats of arms and their personal seal with the diocesan coat of arms and an episcopal seal. This practice is strikingly consistent in all of Europe and throughout the Middle Ages,

²⁷ Berger/Etter, *Familiennamen*; Molho, ‘Noms’; Herlihy/Klapisch-Zuber, *Les Toscans*.

²⁸ Isidore of Seville, *Etymologiae* x, 184.

but of course most interesting in those societies where this practice in effect meant the dropping of an inherited surname.

At first sight, the peculiar way of episcopal self-reference may be interpreted as a ‘name change’ similar to the practice of the ‘religious name’, that is, as an outward sign of the change of status. If this were the case, it would concern (in Luhmann’s terms) the ‘whole’ persona and thus be a good example of the definition of individuality by one’s status, in this case clerical status. Tempting as this interpretation may be, it cannot be accepted. First of all, one should remember that the religious name itself is a modern institution. In the Middle Ages only the popes (from the eleventh century onwards) systematically changed their names at the assumption of office. Otherwise, the secular and cloistered clergy retained their names, including their family names. The change of name in the context of entering religious life or receiving ordinations remained exceptional well into the fifteenth century and became common practice not before the seventeenth century.²⁹ Monks and nuns, priests and bishops changed garment but not names when entering religious life and receiving consecrations. To understand the non-use of the family name by (noble) bishops, one has to take into account other explanations. In this context it is of crucial importance that the ‘change’ of surname, or rather its replacement by ecclesiastical titles, was not a permanent change. A bishop did not ‘lose’ his family name, he only ceased to use it in certain contexts – namely when acting as a bishop. This is an important difference. The non-use of the family name in the case of bishops is not caused by their ‘status’ as bishops but rather by their office. This also explains why the ‘change’ is not linked to the consecration but to the exercise of the episcopal duties; one may also quote the papal name in this context, which is not linked to the consecration either but rather to the election to office. Socially, the bishop was still known by his old surname. If proof were needed, contemporary chronicles provide abundant examples. Taking the bishops of fifteenth-century Constance as an example, one may quote the Klingenberg chronicle; there both the secular and the ecclesiastical names and titles are used indiscriminately to designate bishops, bishop elects and deposed bishops.³⁰

Also lepton ainsmals iij bischoff, die all bischoff ze Costentz gesin warend, bischoff Albrecht Blarer, bischoff Ott, ain margraff von Hochberg, vnd bischoff Fridrich, ain graff von Zolrn. Bischoff Hainrich von Hewen, was vor tumherr vnd techen zu Straßburg, er was och tumpropst zu Costentz vnd ward erwelt anno Domini 1436. Also lebent aber dry, die bischöff waren gesin,: bischoff Albrecht Blarer, bischoff Ott von Hochberg vnd bischoff Hainrich von Hewen..

Es lebten einstmals drei Bischöfe, die alle Konstanzer Bischöfe waren: Bischof Albrecht Blarer, Bischoff Ott, der Markgraf von Hochberg, und Bischoff Fridrich, der Graf von Zolrn. Bischoff Hainrich von Hewen, der zuvor Domherr und Domdekan? in Straßburg, auch Domprobst zu Konstanz, und wurde im Jahre 1436 [zum Bischof] gewählt. Es lebten also drei

²⁹ Rolker, ‘Man ruft dich’.

³⁰ *Klingenger Chronik*, ed. Stettler, p. 98.

Bischöfe: Bischoff Albrecht Blarer, Bischoff Otto von Hochberg und bischoff Heinrich von Hewen.

Once there lived three bishops, all of whom were Bishops of Constance: Bishop Albrecht Blarer, Bishop Ott, the Margrave of Hochberg, and Bishop Fridrich, the Count of Zolrn. Bishop Heinrich of Hewen, previously canon and dean in Strasbourg, also Provost of Constance, and was elected [Bishop] in the year 1436. Thus there were three bishops: Bishop Albrecht Blarer, Bishop Otto of Hochberg and Bishop Heinrich of Hewen.

Having in this sense two names (or titles), the bishops can be said to consistently have *chosen* to use the ecclesiastical title instead of their secular names in their charters and in all ‘official’ contexts. This does, of course, not mean that they ceased to be members of their families, in the interest of which they often acted; however, in my opinion the change of title is good evidence of the perception of the episcopal office as a role clearly distinct from other roles. This argument is strengthened by the fact that the same person was still known by his secular name. A rather curious but telling example of the continued ‘use’ of the secular name outside the performance of episcopal duties, and indeed in manifest violation thereof, are the names of illegitimate offspring of bishops. These children (like many other illegitimate children) received the family names of their fathers. Indeed, again not unlike other fathers of illegitimate children, some bishops also bestowed their given names to illegitimate sons; Heinrich of Hewen, for example, had a son of the same name.³¹ Partly because of the heuristic value of the shared family name it is difficult to establish how common it was for the illegitimate children of a bishop to receive the (secular) surname of the father, as the descent may simply be overlooked in the case of different surnames. Indeed, there are good reasons to believe that the transmission of the surname has to do with the acceptance of social fatherhood. In the context of the present article, however, these questions need not bother us. The point is, rather, that bishops as fathers can be seen to use their secular names, not their ecclesiastical ones.

The argument can be supported by an analysis of the charters issued by those members of the episcopal curia who acted on behalf of the bishop, in particular the vicar-general (*vicarius generalis*) and the official (*officialis*). Both had the power to exercise specific episcopal functions on behalf of the bishop; the validity of these acts did not depend on later confirmation, and indeed the bishop could normally not revoke them. Most notably, the judgements of the official could only be appealed against at the archepiscopal court or, more commonly, the papal curia. So the vicar general and the official, while clearly not being bishop, were performing episcopal functions; their charters had the same legal quality as if they had been issued by the bishop himself. This makes the charters, which have survived in

³¹ Hesse, *Zofingen*, p. 356.

large numbers at least for officials, a good example of acting in well-defined roles. This is also evident from the self-designation of the office-holder; in the charters the office replaced the personal name completely. Without using given name or surname, they issued charters as ‘vicarius generalis’ or ‘officialis curie Constantiensis’ only.

The use and non-use of the surname in different situations may plausibly be taken as evidence of how names were used to shape communication and, in the case of bishops and their representatives, to differentiate between ‘acting as a bishop’ and ‘performing other roles’. One could argue that bishops in many respects are a special case. Indeed there is hardly any office in medieval Europe that was as clearly defined. However, while bishops in this respect may have been exceptional, there is evidence that the family name served to distinguish between different roles in other social groups, too. Instead of adding further examples from the ecclesiastical sphere (popes, abbots, etc.), I will therefore turn to lay naming practices. My examples, again taken from late medieval Constance and its environment, are drawn from the landed nobility as well as the urban milieu.

First of all, a rather general argument can be made of the instability of the noble name. Scholars have often stressed how ‘titles’ became ‘names’ as early as in the eleventh century, but it is also true that even centuries after the emergence of the family name it still functioned as a ‘title’. Whereas the nobility may have been the first social group to regularly use family names (a claim that at least partly rests on our ignorance concerning other social groups), also it was a group that always remained prone to certain ‘name changes’ with the acquisition of new fiefdoms or castles. It is also noteworthy that royalty in particular refrained from using ‘family names’ well into modern times and, insofar they came to use such names, did not assign such names a special role in their dynastic representation. In medieval and early modern Europe, the ‘family names’ of kings and queens had no special importance. Only during the French Revolution, for example, the name ‘Capet’ played an important role (in renaming the former King of France), and it was a bourgeois audience that expected the House of Windsor to change their ‘family name’ in the twentieth century. This is not only an argument against the top-down model for the spread of the family name, it also suggests that the noble name was less a ‘dynastic name’ and more a title than it is often thought.

A similar argument holds for the Middle Ages. In the late Middle Ages noble family names may have been subject to some dynastic pride, but still they were ‘titles’ in the sense that the accumulation (or loss) of fiefdoms may lead to an accumulation (or dropping) of single ‘names’. Changing family names did not question dynastic identity. Triple names like ‘Graf Friedrich von Zolr von Schaltzburg genannt von Eselberg’, combining several

toponymics, were not rare. Not unlike bishops, ‘polynymous’ noblemen were in the position to choose between different titles/names and did so according to the respective situation. To give only one example, the knight Bilgeri von Heudorf († 1476) issued charters under various names, depending on which rights he was exercising. Bilgeri with the help (and the money) of his two successive wives bought land and titles mainly in the Hegau region, most notably two castles called Langenstein and Gaienhofen. He lived partly on these castles, partly in Constance, where he was citizen for some years. In his charters he would call himself ‘Bilgeri von Heudorf zu Langenstein’ or ‘Bilgeri von Heudorf zu Gaienhofen’, depending on the function in which he was acting. He also used names like ‘Bilgeri von Langenstein zu Gaienhofen’, indicating that there was no fundamental difference between the inherited name ‘von Heudorf’ and the names referring to fiefdoms acquired in his lifetime.³² This suggests that the noble ‘family name’ still functioned as a title, and that the use of different names at least sometimes has to do with the playing of distinct roles like the administration of certain goods on account of specific legal claims.

Among the nobility, hence, the use of surnames was functional in the sense that the use of particular names was tied to certain rights or offices. Yet how did the naming system outside the nobility operate? Compared to the high clergy and the landed nobility, evidence of the naming practices of the lay elites and artisans of the city of Constance is scarce. However, already the earliest extant charters (dating from the second half of the twelfth century) suggest that the family name was not restricted to the nobility.³³ In the course of the thirteenth century the family name became more and more common in the charters, and one may reasonably suspect them to be lagging behind the development in everyday communication. As so often, the over-representation of the elites conveys the impression that the family name was established first among the most powerful families. However, apart from the general problems of arguments based on negative evidence, there is also an important exception to the supposed rule of the top-down spread of the family name. Namely, the thirteenth-century charters regularly suppress the family names of the holders of the highest offices of the city. While aldermen and many citizens (including more and more artisans) were designated by given name and family name, the mayor (*burgermaister*, *scultetus*), the *amman* (in Latin called *minister civitatis* or, confusingly, also *scultetus*) and the master of the mint (*monetarius*) were frequently referred to by given name and office only. In an episcopal charter from 1222, for example, fifteen aldermen appear as witnesses. With one exception, they all sign with given name and surname, as it was common at the time; the mayor and the master of the mint,

³² Erwerth, *Ritter Bilgeri* (with an edition of some charters).

³³ Cf. the 1176 charter ed. Beyerle, *Grundeigentumsverhältnisse*, vol. 2, pp. 4–7.

however, sign as ‘Henricus sculteus’ and ‘Azzo monetarius’, respectively.³⁴ A similar observation can be made for the *ammann*, a very high-ranking lay city officer appointed by the Bishop of Constance. In the thirteenth century the *ammann* rarely appears with his family name. Rudolf Jocheler, for example, whose family name is among the oldest in Constance, issued his charters as ‘Rudolfus minister civitatis’ and never used his surname when acting as *ammann*.

According to the theory of the top-down spread of the family name, the mayor and other city officers should have been among the first to have family names, not the last. Indeed there can be little doubt that the mayor, the *ammann* and other office holders ‘had’ family names, but only in the fourteenth and fifteenth centuries they came to use them in their charters. By this time the family name had spread among all classes of society, including the very poor.³⁵ The absence of the surname in the above mentioned charters can therefore be described as a suppression of the family name by the designation to office. When acting *ex officio*, high-ranking city officers were less likely to use their family names than in other situations. As in the case of the bishop, this can be taken as evidence of the office demanding the assumption of specific roles, which in communication were signalled *inter alia* by the suppression of the family name.

However, unlike the case of the bishop, these non-uses of the family name are not as closely tied to the exercise of the respective office. The *ammann*, for example, sometimes also in the tax lists is designated by his office rather than his family name;³⁶ as his ‘role’ as mayor does not affect his obligations as tax payer, such examples are evidence *against* a clear-cut concept of the ‘role’ of the city officers. He simply was known as the *ammann*, independently of whether he acted in this function or not. Further evidence comes from family names themselves. In Constance, as elsewhere in northern Europe, a relatively large number of surnames is derived from (non-hereditary) city offices; in other words, although the ‘role’ was not inherited to the next generation, the ‘title’ was. The frequency of German family names like *Schulte* or *Ammann* (the very common *Meier* may also be a case in point) suggests that this happened fairly often. To judge from the frequency of these names as compared to other occupational names, the former became heritable surnames much more often than the latter. While common occupational names (*Schmid*, *Fischer*, *Weber*) may well be explained by the frequency of the respective occupation, in the case of names derived from offices such an

³⁴ For edited charters, cf. the index in Beyerle, *Grundeigentumsverhältnisse* s.v.

³⁵ Even the poorest tax payers, too poor to pay property tax (*habnitse*; in contemporary terminology); are listed with their surnames in the Constance tax register; see, for example, *Steuerbücher*, ed. Rüster, vol. 1, p. 20 and passim.

³⁶ For example, *Steuerbücher*, ed. Rüster, vol. 1, p. 17.

explanation fails completely. It seems therefore legitimate to take the occurrence of ‘office surnames’ as indicative of the identification of the ‘whole persona’ with an office, and hence against the distinction between separate roles.

To sum up, in certain cases the office was clearly defined and determined designation fairly strictly in the sense that the use and the non-use of the family name was clearly linked to acting in roles. For the bishop in particular, the distinction of family name versus title was a very neat one; for them the ‘title’ replaced the family name if and only if the office holder was acting *ex officio*. In other cases there was also the distinction between the office and the holder, but less distinctly so. A mayor was less likely to use his family name than an alderman, and particularly so when acting as mayor. However, unlike the bishop, he later came to use his family name when acting as mayor, while his office sometimes replaced his family name quite independently of him acting as mayor.

The ‘married name’: multiple female naming practices

As scholarship has traditionally been focussed on male naming practices, my second case study on multiple female naming practices needs slightly more background. Relatively little is known about female naming practices in the Middle Ages, and most research there has been carried out on the assumption that female naming practices can be conceived in the same way as male practices. All in all, studies in this field tend to assert that female naming practices were a delayed and deficient variant of male practices; the one-name system according to this model persisted longer among women than men but ultimately was replaced by the same naming system.³⁷ There exist other studies more sensitive to gender-specific uses and non-uses of the name, but mainly for mediterranean Europe.³⁸

Nonetheless, for anyone interested in multiple names, female naming practices in medieval northern Europe are more, not less interesting than male practices. As outlined above, from its beginnings the north-western European naming system knew the so-called ‘married name’ and hence a specifically female naming practice. Given the state of research, the danger of anachronistic interpretation is even more acute than elsewhere. Namely, one should not imagine the medieval practice of the married name to have worked in the same way it did in nineteenth and twentieth century Europe, when in some countries the married name was interpreted as a mandatory and permanent name change at marriage.³⁹ This position today is mainly known as a dated legal relict that in the second half of the twentieth century

³⁷ In particular, *Persistances du nom unique*, ed. Bourin/Chareille.

³⁸ See the excellent analyses by Christiane Klapisch-Zuber, *which dealing* with fourteenth and fifteenth century Florence, especially the translated essays in: Klapisch-Zuber, *Women*.

³⁹ For the modern discourse, cf. Feschet, ‘Surname’ and Sacksofsky, ‘Eheliches Namensrecht’.

has been widely criticized and sometimes decried as ‘medieval’. Yet far from being medieval and (all-)European, this position in its strict form was specifically modern and, again, restricted to north-western Europe. More precisely, only between the mid-nineteenth and the mid-twentieth century and mainly in England and the German-speaking countries the ‘married name’ was both legally and socially recognised in such a strict form that it demanded the maiden name to be completely replaced by the married name. As will be shown in detail below, the medieval practice was rather different. In pre-modern Europe the legal name was unknown, and the multiplicity of social names – deemed as ‘contrary to public policy’ by English and German courts in mid-twentieth century⁴⁰ – was a common practice in many towns and cities.

My source materials here are administrative sources and acts of last will from fourteenth and fifteenth-century Constance. Testaments served as a convenient starting point, being preserved in relatively large numbers and allowing for a comparison between the way in which women (as testatrices) referred to themselves and the way in which third parties (city scribes, other men and women) referred to them. To broaden my sample, I have collected evidence from late-medieval testaments of ten northern European cities, ranging from mid-size towns like Zurich to relatively large urban centres like Cologne.⁴¹ We are mainly dealing with urban, economically powerful milieus. All evidence available, however, suggests that as far as names were concerned there were no major differences according to social status. In the fourteenth and fifteenth centuries only royal families and the very poor show clearly distinct naming practices, while the naming forms found in artisan milieus, rich and poor, did not significantly alter from those of the richest burghers or, for that matter, the landed nobility. More specifically, the family name was well established in all social milieus that at least occasionally appear in the testaments – and this is a relatively wide range of social groups.⁴² Men were referred to in fairly similar ways in all cities under analysis (i.e. by given name and surname), but for married and widowed women a wider variety of naming forms can be observed. The most common forms to refer to wives and widows were the following ones: by first name only, by first name and married name, or by first name and a family name different from that of the husband (commonly, but not always, the ‘maiden name’). In all three cases, references to a husband or relatives (most commonly fathers) may be added. Thus, if a Grethe Müllerin married a Hans Schmid, the sources may call her ‘Grethe’, ‘Grethe Müllerin’ or

⁴⁰ Squibb, ‘Name and Arms’, p. 220; von Spolena-Metternich, *Namenserwerb*, pp. 79–81.

⁴¹ The following is partly adopted from Rolker ‘Marital economy’. The cities are Basle, Bern, [Brunswick](#), [Braunschweig](#), Cologne, Constance, Hamburg, Lübeck, Lüneburg, Regensburg and Zurich.

⁴² In Zurich in particular, we find a relatively high number of testators (and testatrices) bequeathing small sums of no more than a few shillings, indicating below-average income.

‘Grethe Schmidin’. Especially where the family name is not used one may find additional phrases like ‘daughter of Heinrich Müller’ and/or ‘wife of Hans Schmid’; indeed, references may completely do without her name, instead referring to male family members only (e.g. ‘Hans Schmid and his wife, the daughter of Heinrich Müller’). In the testaments the latter form is rare and found only if third parties (men or women) refer to women, never as a way women refer to themselves; otherwise all three forms are found.

Interestingly, there is no marked difference between the way women refer to themselves, men refer to women or women refer to other women. Married women and widows are also referred to roughly in the same way in any given town. However, as already indicated, there were marked differences between the naming forms for men and women, and between the ways scribes at different places referred to women. Indeed, the use of family names different from that of the husband was exceptionally rare at some places and almost universal at others. The frequency of the continued use of the ‘maiden name’ in marriage seems to be linked to the economic and legal position of women. For the German-speaking cities of the fourteenth and fifteenth century the correlation seems to be pretty neat. A comparative study of the late medieval testaments of ten cities shows that the ratio of female testators and the frequency of the use of the maiden name are strongly correlated.⁴³ In places like Constance and Cologne, where a considerable part (at times, the majority) of testaments was set up by women or married couples, the use of separate names by both spouses was normal; in Brunswick, in contrast, we find exceedingly few testaments by women and no evidence for the continued use of the maiden name. Detailed studies for other parts of Europe are lacking, but the evidence available points in a similar direction. In medieval England, for example, the continued use of the ‘maiden name’ in marriage seems to have been exceptional, while in Flanders it was common.⁴⁴ It seems plausible to link this to the marked contrast between the position of the *femme couvert* in common law and the rather strong economic and legal position of women in Flanders.⁴⁵ A comparison between Scandinavia and Scotland on the one hand and England on the other points in a similar direction, too.⁴⁶

Interesting as the practice of the married name as an indicator for the economic position of women in pre-modern Europe may be, for our present purpose a different aspect is more important. What has been described, in a rather summary fashion, as the ‘economic position’ of married woman is inseparably connected to the administration of property coming

⁴³ Rolker, ‘Marital economy’.

⁴⁴ Postles, *Naming*, pp. 125-140; Erickson, ‘Marital Economy’, pp. 10–11; Nicholas, *Domestic Life*, pp. 17–18.

⁴⁵ Howell, *Marriage Exchange*.

⁴⁶ Erickson, ‘Marital Economy’, p. 11.

ultimately from, and potentially going back to, the respective family of origin. Therefore both, the property and the ‘maiden’ name, linked married women to their families of origin, very much like the ‘married name’ and the shared marital property constituted important links to the family of the husband. Again, this is an important difference to the modern practice of the ‘married name’. Discourse on the continued use of the ‘maiden name’ has always focussed on biographical continuity of women before and after marriage; the debates on the married name were discussions about gender equality and the relation between two persons, i.e. husband and wife. In contrast, in medieval society the question of ‘married’ vs. ‘maiden’ name concerned two families, and specifically the bond between a married woman and her family of origin and not, as in modern times, primarily her life before marriage. This is an important difference in concepts of individuality, but not in order to deny the ‘individuality’ of medieval women. Rather, it supports the idea that medieval individuality was determined by ‘inclusion’ into family groups.

However, this is not the whole story; as I want to argue, female naming practices show also elements of ‘functional’ use and non-use of surnames in the sense of being correlated to the assumption of specific roles. The argument runs as follows. Women administering substantial property that, under certain circumstances, fell back to their families of origin acted in different roles, depending on which property was mainly affected by their actions. Secondly, wives and widows in the towns and cities under discussion here did not so much change their names but rather acquired multiple names. My claim is that both aspects are related: the use of the ‘maiden name’ is linked to the administration of property coming from the family of origin, and thus to a distinct role a wife assumes vis-à-vis her husband and his family. As in the case of office names and noble titles, this claim is much more important than the observation of name changes; the latter may indicate a change of status, but multiple names may be linked to functional uses of alternative names. The question therefore is: did women have several names at the same time, and if so, did they use them in a ‘functional’ way? In other words, did the designation and self-designation of women structure communication in a way similar to the male naming practices discussed so far?

As with all multiple names, interpreting the evidence can be tricky. Usually we assume that the same person is referred to by the same name in different sources, and especially where evidence is scarce, prosopographical studies doing without this assumption or indeed questioning it can be a daring task. An evident danger is falling into an over-sceptic position– if names deceive us, how can we possibly use sources like tax rolls for prosopographical studies? This danger can at least partly be countered by sources referring to

the same person by several names at the same time. In serial sources, more than one surname may be listed (e.g. ‘Müllerin vel Schmidin’, ‘Schmidin genannt Müllerin’ in the above given example). Interestingly, in the rare examples of extant marriage contracts it is very common that women used their multiple names in the same document. In an exceptional case from fifteenth-century Constance, a re-marrying widow referred to herself in three or four different fashions, depending on how one counts ‘double’ names.⁴⁷ In other cases, several contracts and acts of last will issued under different names have survived, containing enough context and cross-references to allow identification despite multiple surnames. Finally, the frequent mentioning of husbands allows us to establish beyond doubt that in late-medieval Constance both were common, the use of the married name and the continued use of the maiden name in marriage.

The use of either name does not, as one may have expected, depend on the duration of marriage; even after decades of marriage women as wives and widows may use their ‘maiden name’ frequently or even predominantly. A comparison of female self-designation as evident from the testaments and their designation by third parties – both private charters and administrative sources – further reveals that the use of either name does not depend on the type of source, the sex of the author, or a difference between self-designation and designation by third parties. The only exceptions to this rule belong to the sixteenth century, when administrative sources begin to use the married name more frequently, while in their own charters women continue to use both names.⁴⁸ Before ca. 1500, however, there is no visible distinction between the social name and the naming practices in administrative sources; the latter followed everyday practice in designating wives and widows with both their maiden and their married names.

As far as any distinction between the use of either name can be discovered, it seems to be connected to the different properties concerned and the question of who is controlling them. In the tax rolls, unlike other administrative sources, married women are normally not designated by either surname, while the husbands are (‘N.N. and his wife’). In contrast, marriage contracts, which unfortunately are only extant in small numbers, seem to be the only type of document in which women regularly use both names at the same time. In their testaments, including ‘double testaments’ issued by married couples, married women use either name, apparently without following a clear pattern. Sometimes they use the married name, sometimes the maiden name. Yet in documents referring to marital conflicts, namely

⁴⁷ The case of Anna Hartzlerin *alias* Maegelsberg *alias* Langenstein, using ~~in her 1478 marriage contract~~ all three surnames and yet another seal [in her 1478 marriage contract](#), is discussed in detail in Rolker, ‘Ich, Anna Hartzlerin’, esp. pp. 22–23.

⁴⁸ Cf. *Steuerlisten*, ed. Rüster, vol. 3, passim.

conflicts over property, the pattern is very neat: wives suing their husbands or otherwise protecting their property against him consistently use their maiden name and not their married name.

The difference between these four kinds of sources with their different forms of naming is not (primarily) the kind of source or the question of who wrote them; tax rolls and protocols on marital conflicts discussed in the city council, for example, were written by the same scribes, yet the names are profoundly different. Rather, the administration of property seems to be the key. The suppression of the female surname in the tax roll is no proof of women 'having' no surname but rather due to the fact that commonly the husband was paying taxes for himself and his wife; for the tax collector, the arrangement of the marital property did not matter as long as the tax was paid. In marriage contracts, in contrast, it was highly relevant which property was brought into marriage by whom and under which conditions; here the respective families of origin ear-marked property, and the use of both names can be connected to the different roles the newly-wed bride had in the administration of different parts of her property. The conflicts over property the city council was trying to solve by compromise invariably concern the property originally belonging to the wife's family of origin; here the use of the 'maiden name' seems to be an ostentatious act, reminding the husband and the audience of the continued affiliation of the wife to her natal family.

While in the case of bishops, noblemen and the holders of city offices the distinction was always that between an inherited family name and that of a name-like title or office designation, in the case of women the distinction is that between two family names in the proper sense, one acquired by birth, the other by marriage. The use of either name is not strictly determined by certain situations, as the seemingly indistinct use of both names in testaments shows. However, not only the symbolism of the surname but also the actual use support the idea that there was a link between the administration of property, the belonging to two families and female naming practices. Unlike men, women in the cities of northern Europe commonly 'had' two or more family names, in the sense that they alternatively could use more than one name, and at least partly did use one name or the other (or both) according to situation, sometimes highlighting their 'double' affiliation, sometimes only one.

Conclusions

In medieval Europe, the family name was but one sign system by which individual and collective identities were communicated; unlike clothing or heraldic signs, for example, its use was not regulated (not even attempted to be regulated), and compared to given names, surnames were more flexible, being adopted, changed and dropped relatively frequently. Nonetheless, in the later Middle Ages the surname had a role to play in the definition of families and in the individual's affiliation to a given family. The use or non-use of surnames can therefore be seen as being relevant for the definition of 'family' and as structuring communication. While at first sight the emergence of the family name seems to provide straightforward evidence for the definition of individuality by belonging to this or that family, a closer look at the use and non-use of surnames reveals evidence for role-playing normally associated with 'modern' individuality. Certainly with bishops, often with noble names, and partly with the multiple surnames of married women, we can assume that the surname was used 'functionally', in the sense that the use of this or that name indicated the assumption of specific roles. Given the position of married women and widows between two or more families, it is plausible that they employed surnames to position themselves 'between' their families. Male naming uses of multiple surnames – less frequent than in the case of contemporary women, but still common compared to modern times – may well have served similar ends, including the 'undoing' of kinship or the creation of sub-groups within the rather extended family.

These practices do not call into question that 'the family' determined individual identity to a large degree, but they may help to reconcile this concept with a more refined model of the medieval family than the one found in Luhmann. Changing and multiple names are indicative of the changing and multiple affiliations which are summarised as 'family'. Part of the reason why 'the family' was so important in medieval society was that in any given situation *different* kin groups acted as 'the' family.⁴⁹ Kinship was defined very differently by inheritance laws, ecclesiastical marriage legislation and in everyday life. In one sense, kinship was extremely large, effectively linking almost all inhabitants of smaller communities at least by some sort of kinship (descent, affinity or spiritual relations); at the same time the groups acting as 'one' family were commonly very small. Within the extended kin group, which itself was constantly changing, there were various overlapping sub-groups which equally changed over time, for various reasons.

⁴⁹ Sabeian/Teuscher, 'Kinship'.

In this world of seemingly all-important, yet highly unstable families, surnames were only one out of several ‘family signs’, and perhaps not even the most important one. Not all family members shared one surname, many used other names as well, and not all people sharing a surname were related (at least not to the same degree). Also, the use of different surnames within one family did not directly affect legal or moral obligations. If distant cousins called themselves by different surnames, they could still not legally marry; a wife using her ‘maiden name’ in marriage was still married; a man passing a newly acquired sobriquet instead of the paternal surname to his wife and children was still next heir to his father; a bishop not using his inherited title while acting as bishop was still part of his family. Nonetheless, surnames were important enough to structure communication, to assume roles, to balance between conflicting family solidarities. An essentially fixed surname, as Bentham imagined it as a means of controlling individuals, could not possibly have served the communicative function the pre-modern family name was employed for. The very reason why surnames mattered was their flexibility and, at times, the possibility to adopt, drop or change them. Unspectacular as every single use or non-use of surnames may have been, they were employed both to shape the affiliations the individual was defined by and, in the long run, to constitute the ever-changing bonds of kinship.

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